
SENATE BILL NO. 364—SENATOR TOWNSEND, O’CONNELL,
SCHNEIDER AND TITUS

MARCH 17, 2003

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes to provisions relating to investigations and proceedings for disciplinary action by regulatory bodies which regulate certain professions, occupations and businesses. (BDR 54-707)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to professions; creating a new chapter which provides certain provisions that are applicable to all regulatory bodies that regulate occupations or professions in title 54 of NRS; requiring regulatory bodies that regulate certain professions, occupations and businesses to maintain the confidentiality of certain records and proceedings relating to investigations under certain circumstances; requiring those regulatory bodies to make certain records and proceedings public under certain circumstances; requiring those regulatory bodies to hold a public meeting to discuss and approve the terms of certain consent agreements before entering into those agreements; creating an exception to such requirement; requiring any reprimand issued by those regulatory bodies to be public; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:



1 **Section 1.** Title 54 of NRS is hereby amended by adding
2 thereto a new chapter to consist of the provisions set forth as
3 sections 2 to 5, inclusive, of this act.

4 **Sec. 2.** *As used in this chapter, unless the context otherwise*
5 *requires, "regulatory body" means any agency, board or*
6 *commission that has the authority to regulate an occupation or*
7 *profession pursuant to this title and any officer of an agency,*
8 *board or commission which has the authority to regulate an*
9 *occupation or profession pursuant to this title.*

10 **Sec. 3. 1.** *If a regulatory body determines that a person has*
11 *violated a provision of the chapter which the regulatory body has*
12 *authority to enforce, the regulatory body may recover from the*
13 *person:*

14 (a) *Attorney's fees and costs incurred by the regulatory body*
15 *relating to the disciplinary proceedings, including, without*
16 *limitation, the costs of the investigation, if any, and the costs of the*
17 *hearing at which the person was found to have committed the*
18 *violation; and*

19 (b) *Attorney's fees and costs incurred by the regulatory body in*
20 *the recovery of a civil penalty.*

21 **2.** *A regulatory body is entitled to an award of costs and any*
22 *attorney's fees it incurred in:*

23 (a) *The enforcement of any subpoena for which a court*
24 *entered an order compelling compliance; and*

25 (b) *Any proceedings before a court for the enforcement of the*
26 *provisions of the chapter which the regulatory body has authority*
27 *to enforce.*

28 **Sec. 4.** *The provisions of NRS 241.020 do not apply to*
29 *proceedings relating to an investigation conducted to determine*
30 *whether to proceed with disciplinary action against a holder of a*
31 *certificate, license or permit issued pursuant to this title unless*
32 *the holder of the certificate, license or permit requests that the*
33 *proceedings be conducted pursuant to those provisions. If the*
34 *regulatory body decides to proceed with disciplinary action, all*
35 *proceedings that are conducted after that decision and are related*
36 *to that disciplinary action are subject to the provisions of*
37 *NRS 241.020.*

38 **Sec. 5. 1.** *Except as otherwise provided in subsection 2, a*
39 *regulatory body may not settle or otherwise resolve an alleged*
40 *violation of:*

41 (a) *The chapter which the regulatory body has authority to*
42 *enforce;*

43 (b) *A regulation enacted pursuant to the chapter which the*
44 *regulatory body has authority to enforce; or*

45 (c) *An order of the regulatory body,*



1 *by entering a consent agreement with a person who has allegedly*
2 *committed the violation until after the regulatory body discusses*
3 *and approves the terms of the agreement in a public meeting. If a*
4 *regulatory body enters a consent agreement with a person who has*
5 *allegedly committed a violation, the consent agreement is a public*
6 *record.*

7 *2. A regulatory body that consists of one natural person may*
8 *approve a consent agreement without complying with subsection 1*
9 *if:*

10 *(a) The regulatory body posts a notice in accordance with the*
11 *requirements for notice for a meeting held pursuant to chapter*
12 *241 of NRS which provides notice that:*

13 *(1) The regulatory body intends to resolve the alleged*
14 *violation by entering into a consent agreement with the person*
15 *who allegedly committed the violation; and*

16 *(2) For a limited time set forth in the notice, any person*
17 *who so wishes may request that the regulatory body conduct a*
18 *public meeting to discuss the terms of the consent agreement by*
19 *submitting a written request for such a meeting to the regulatory*
20 *body within the time prescribed; and*

21 *(b) After the expiration of the time for receiving requests for a*
22 *public meeting pursuant to subparagraph (2) of paragraph (a), the*
23 *regulatory body has received no requests for a public meeting on*
24 *the consent agreement.*

25 **Sec. 6.** NRS 623.131 is hereby amended to read as follows:

26 623.131 1. Except as otherwise provided in subsections 2, 3
27 and 4, the records of the Board which relate to:

28 (a) An employee of the Board;

29 (b) An examination given by the Board; or

30 (c) Complaints and charges filed with the Board and the material
31 compiled as a result of its investigation of those complaints and
32 charges,
33 are confidential.

34 2. The records described in subsection 1 may be disclosed,
35 pursuant to procedures established by regulation of the Board, to a
36 court or an agency of the Federal Government, any state, any
37 political subdivision of this state, or any other related professional
38 board or organization.

39 3. ~~Upon completion of an investigation by the Board, any~~
40 ~~records of the Board described in paragraph (c) of subsection 1 are~~
41 ~~public records only if:~~

42 ~~(a) Disciplinary action is imposed by the Board as a result of the~~
43 ~~investigation; or~~

44 ~~(b) The person regarding whom the investigation was made~~
45 ~~submits a written request to the Board requesting that the records be~~



1 ~~made]~~ *The complaint or other document filed by the Board to*
2 *initiate disciplinary action and all other documents and*
3 *information considered by the Board when determining whether to*
4 *impose discipline are* public records.

5 4. The Board may report to other related professional boards
6 and organizations an applicant's score on an examination given by
7 the Board.

8 **Sec. 7.** NRS 623.270 is hereby amended to read as follows:

9 623.270 1. The Board may place the holder of any certificate
10 of registration issued pursuant to the provisions of this chapter on
11 probation, *publicly* reprimand him, fine him not more than \$10,000,
12 suspend or revoke his license, impose the costs of investigation and
13 prosecution upon him or take any combination of these disciplinary
14 actions, if proof satisfactory to the Board is presented that:

15 (a) The certificate was obtained by fraud or concealment of a
16 material fact.

17 (b) The holder of the certificate has been found guilty by the
18 Board or by a court of justice of any fraud, deceit or concealment of
19 a material fact in his professional practice, or has been convicted by
20 a court of justice of a crime involving moral turpitude.

21 (c) The holder of the certificate has been found guilty by the
22 Board of incompetency, negligence or gross negligence in:

23 (1) The practice of architecture or residential design; or

24 (2) His practice as a registered interior designer.

25 (d) The holder of a certificate has affixed his signature or seal to
26 plans, drawings, specifications or other instruments of service which
27 have not been prepared by him or in his office, or under his
28 responsible control, or has permitted the use of his name to assist
29 any person who is not a registered architect, registered interior
30 designer or residential designer to evade any provision of this
31 chapter.

32 (e) The holder of a certificate has aided or abetted any
33 unauthorized person to practice:

34 (1) Architecture or residential design; or

35 (2) As a registered interior designer.

36 (f) The holder of the certificate has violated any law, regulation
37 or code of ethics pertaining to:

38 (1) The practice of architecture or residential design; or

39 (2) Practice as a registered interior designer.

40 (g) The holder of a certificate has failed to comply with an order
41 issued by the Board or has failed to cooperate with an investigation
42 conducted by the Board.

43 2. ~~If discipline is imposed pursuant to the provisions of this~~
44 ~~section, the costs of the proceeding, including investigative costs~~
45 ~~and attorney's fees, may be recovered by the Board.~~



1 ~~—3.]~~ The conditions for probation imposed pursuant to the
2 provisions of subsection 1 may include, but are not limited to:
3 (a) Restriction on the scope of professional practice.
4 (b) Peer review.
5 (c) Required education or counseling.
6 (d) Payment of restitution to each person who suffered harm or
7 loss.

8 ~~[(e) Payment of all costs of the administrative investigation and~~
9 ~~prosecution.]~~

10 ~~—4.]~~ **3. An order that imposes discipline and the findings of**
11 **fact and conclusions of law supporting that order are public**
12 **records.**

13 **4. The Board shall not privately reprimand the holder of any**
14 **certificate of registration issued pursuant to this chapter.**

15 **5.** As used in this section:

16 (a) “Gross negligence” means conduct which demonstrates a
17 reckless disregard of the consequences affecting the life or property
18 of another person.

19 (b) “Incompetency” means conduct which, in:

20 (1) The practice of architecture or residential design; or

21 (2) Practice as a registered interior designer,

22 demonstrates a significant lack of ability, knowledge or fitness to
23 discharge a professional obligation.

24 (c) “Negligence” means a deviation from the normal standard of
25 professional care exercised generally by other members in:

26 (1) The profession of architecture or residential design; or

27 (2) Practice as a registered interior designer.

28 **Sec. 8.** Chapter 623A of NRS is hereby amended by adding
29 thereto a new section to read as follows:

30 **1. Except as otherwise provided in this section, a complaint**
31 **filed with the Executive Director, all documents and other**
32 **information filed with the complaint and all documents and other**
33 **information compiled as a result of an investigation conducted to**
34 **determine whether to initiate disciplinary action are confidential.**

35 **2. The complaint or other document filed by the Board to**
36 **initiate disciplinary action and all documents and information**
37 **considered by the Board when determining whether to impose**
38 **discipline are public records.**

39 **Sec. 9.** NRS 623A.270 is hereby amended to read as follows:

40 623A.270 1. The Board may:

41 (a) Suspend or revoke a certificate of registration or certificate
42 to practice as a landscape architect intern;

43 (b) Refuse to renew a certificate of registration or certificate to
44 practice as a landscape architect intern;



- 1 (c) Place a holder of a certificate of registration or certificate to
- 2 practice as a landscape architect intern on probation;
- 3 (d) Issue a *public* reprimand to a holder of a certificate of
- 4 registration or certificate to practice as a landscape architect intern;
- 5 (e) Impose upon a holder of a certificate of registration or
- 6 certificate to practice as a landscape architect intern a fine of not
- 7 more than \$5,000 for each violation of this chapter;
- 8 (f) Require a holder of a certificate of registration or certificate
- 9 to practice as a landscape architect intern to pay restitution; *or*
- 10 (g) ~~Require a holder of a certificate of registration or certificate~~
- 11 ~~to practice as a landscape architect intern to pay the costs of an~~
- 12 ~~investigation or prosecution; or~~
- 13 ~~(h)~~ Take such other disciplinary action as the Board deems
- 14 appropriate,
- 15 if the holder of a certificate of registration or certificate to practice
- 16 as a landscape architect intern has committed any act set forth in
- 17 NRS 623A.280.
- 18 2. The conditions for probation imposed pursuant to the
- 19 provisions of subsection 1 may include, without limitation:
- 20 (a) Restriction on the scope of professional practice;
- 21 (b) Peer review;
- 22 (c) Education or counseling;
- 23 (d) The payment of restitution to each person who suffered harm
- 24 or loss; and
- 25 (e) The payment of all costs of the administrative investigation
- 26 and prosecution.
- 27 3. ~~If the Board imposes discipline pursuant to the provisions~~
- 28 ~~of this section, the Board may recover the costs of the proceeding,~~
- 29 ~~including any investigative costs and attorney's fees.~~
- 30 ~~4.] An order that imposes discipline and the findings of fact~~
- 31 ~~and conclusions of law supporting that order are public records.~~
- 32 4. *The Board shall not issue a private reprimand to a holder*
- 33 *of a certificate of registration or certificate to practice as a*
- 34 *landscape architect intern.*
- 35 5. The Board may adopt regulations setting forth a schedule of
- 36 fines for the purposes of paragraph (e) of subsection 1.
- 37 **Sec. 10.** Chapter 624 of NRS is hereby amended by adding
- 38 thereto a new section to read as follows:
- 39 1. *Except as otherwise provided in this section, a complaint*
- 40 *filed with the Board, all documents and other information filed*
- 41 *with the complaint and all documents and other information*
- 42 *compiled as a result of the investigation conducted to determine*
- 43 *whether to initiate disciplinary action are confidential.*
- 44 2. *The complaint or other document filed by the Board to*
- 45 *initiate disciplinary action and all documents and information*



1 *considered by the Board when determining whether to impose*
2 *discipline are public records.*

3 **Sec. 11.** NRS 624.110 is hereby amended to read as follows:
4 624.110 1. The Board may maintain offices in as many
5 localities in the State as it finds necessary to carry out the provisions
6 of this chapter, but it shall maintain one office in which there must
7 be at all times open to public inspection a complete record of
8 applications, licenses issued, licenses renewed and all revocations,
9 cancellations and suspensions of licenses.

10 2. ~~[(Credit)]~~ *Except as otherwise required in section 10 of this*
11 *act, credit* reports, references, ~~[investigative memoranda,]~~ financial
12 information and data pertaining to a licensee's net worth are
13 confidential and not open to public inspection.

14 **Sec. 12.** NRS 624.291 is hereby amended to read as follows:
15 624.291 1. Except as otherwise provided in subsection 4, if
16 the Board suspends or revokes a license, has probable cause to
17 believe that a person has violated NRS 624.720 or imposes an
18 administrative fine pursuant to NRS 624.710, the Board shall hold a
19 hearing. The time and place for the hearing must be fixed by the
20 Board, and notice of the time and place of the hearing must be
21 personally served on the applicant or accused or mailed to the last
22 known address of the applicant or accused at least 21 days before
23 the date fixed for the hearing.

24 2. The testimony taken pursuant to NRS 624.170 to 624.210,
25 inclusive, must be considered a part of the record of the hearing
26 before the Board.

27 3. ~~[The]~~ *Except as otherwise provided in section 4 of this act,*
28 *the* hearing must be public if a request is made therefor.

29 4. The Board may suspend the license of a contractor without a
30 hearing if the Board finds, based upon evidence in its possession,
31 that the public health, safety or welfare imperatively requires
32 summary suspension of the license of the contractor and
33 incorporates that finding in its order. If the Board summarily
34 suspends the license of the contractor, the Board must notify the
35 contractor by certified mail. A hearing must be held within 60 days
36 after the suspension if the contractor submits a written request for a
37 hearing to the Board within 20 days after the Board summarily
38 suspends his license.

39 **Sec. 13.** NRS 624.300 is hereby amended to read as follows:
40 624.300 1. Except as otherwise provided in subsection 3, the
41 Board may:

- 42 (a) Suspend or revoke licenses already issued;
43 (b) Refuse renewals of licenses;
44 (c) Impose limits on the field, scope and monetary limit of the
45 license;



- 1 (d) Impose an administrative fine of not more than \$10,000;
2 (e) Order a licensee to repay to the account established pursuant
3 to NRS 624.470, any amount paid out of the account pursuant to
4 NRS 624.510 as a result of an act or omission of that licensee;
5 (f) Order the licensee to take action to correct a condition
6 resulting from an act which constitutes a cause for disciplinary
7 action, at the licensee's cost, that may consist of requiring the
8 licensee to:
9 (1) Perform the corrective work himself;
10 (2) Hire and pay another licensee to perform the corrective
11 work; or
12 (3) Pay to the owner of the construction project a specified
13 sum to correct the condition; or
14 (g) ~~Reprimand~~ *Issue a public reprimand* or take other less
15 severe disciplinary action, including, without limitation, increasing
16 the amount of the surety bond or cash deposit of the licensee,
17 if the licensee commits any act which constitutes a cause for
18 disciplinary action.
19 2. If the Board suspends or revokes the license of a contractor
20 for failure to establish financial responsibility, the Board may, in
21 addition to any other conditions for reinstating or renewing the
22 license, require that each contract undertaken by the licensee for a
23 period to be designated by the Board, not to exceed 12 months, be
24 separately covered by a bond or bonds approved by the Board and
25 conditioned upon the performance of and the payment of labor and
26 materials required by the contract.
27 3. If a licensee violates the provisions of NRS 624.3014 or
28 subsection 3 of NRS 624.3015, the Board may impose an
29 administrative fine of not more than \$20,000.
30 4. If a licensee commits a fraudulent act which is a cause for
31 disciplinary action under NRS 624.3016, the correction of any
32 condition resulting from the act does not preclude the Board from
33 taking disciplinary action.
34 5. If the Board finds that a licensee has engaged in repeated
35 acts that would be cause for disciplinary action, the correction of
36 any resulting conditions does not preclude the Board from taking
37 disciplinary action pursuant to this section.
38 6. The expiration of a license by operation of law or by order
39 or decision of the Board or a court, or the voluntary surrender of a
40 license by a licensee, does not deprive the Board of jurisdiction to
41 proceed with any investigation of, or action or disciplinary
42 proceeding against, the licensee or to render a decision suspending
43 or revoking the license.
44 7. ~~If discipline is imposed pursuant to this section, including~~
45 ~~any discipline imposed pursuant to a stipulated settlement, the costs~~



1 ~~of the proceeding, including investigative costs and attorney's fees,~~
2 ~~may be recovered by the Board.]~~ *The Board shall not issue a*
3 *private reprimand to a licensee.*

4 8. *An order that imposes discipline and the findings of fact*
5 *and conclusions of law supporting that order are public records.*

6 9. All fines collected pursuant to this section must be deposited
7 with the State Treasurer for credit to the Construction Education
8 Account created pursuant to NRS 624.580.

9 **Sec. 14.** NRS 625.425 is hereby amended to read as follows:

10 625.425 1. Any information obtained during the course of an
11 investigation by the Board and any record of an investigation is
12 confidential . ~~[until the investigation is completed.]~~ If no
13 disciplinary action is taken against a licensee, an applicant for
14 licensure, an intern or an applicant for certification as an intern, or
15 no civil penalty is imposed pursuant to NRS 625.590, the
16 information in his investigative file remains confidential. ~~[If a~~
17 ~~formal complaint is filed, all pleadings and evidence introduced at~~
18 ~~the hearing]~~ *The complaint or other document filed by the Board*
19 *to initiate disciplinary action and all documents and information*
20 *considered by the Board when determining whether to impose*
21 *discipline are public records.*

22 2. The provisions of this section do not prohibit the Board or
23 its employees from communicating and cooperating with another
24 licensing board or any other agency that is investigating a person.

25 **Sec. 15.** NRS 625.460 is hereby amended to read as follows:

26 625.460 1. If, after a hearing, a majority of the members of
27 the Board present at the hearing vote in favor of finding the accused
28 person guilty, the Board may:

29 ~~[1-] (a)~~ *Revoke the license of the professional engineer or*
30 *professional land surveyor or deny a license to the applicant;*

31 ~~[2-] (b)~~ *Suspend the license of the professional engineer or*
32 *professional land surveyor;*

33 ~~[3-] (c)~~ *Fine the licensee or applicant for licensure not more*
34 *than \$15,000 for each violation of a provision of this chapter or any*
35 *regulation adopted by the Board;*

36 ~~[4-] (d)~~ *Place the licensee or applicant for licensure on*
37 *probation for such periods as it deems necessary and, if the Board*
38 *deems appropriate, require the licensee or applicant for licensure to*
39 *pay restitution to clients or other persons who have suffered*
40 *economic losses as a result of a violation of the provisions of this*
41 *chapter or the regulations adopted by the Board; or*

42 ~~[5-] (e)~~ *Take such other disciplinary action as the Board deems*
43 *appropriate.*

44 2. *The Board shall not issue a private reprimand.*



1 **3. An order that imposes discipline and the findings of fact**
2 **and conclusions of law supporting that order are public records.**

3 **Sec. 16.** Chapter 625A of NRS is hereby amended by adding
4 thereto a new section to read as follows:

5 **1. Except as otherwise provided in this section, a complaint**
6 **filed with the Board, all documents and other information filed**
7 **with the complaint and all documents and other information**
8 **compiled as a result of an investigation conducted to determine**
9 **whether to initiate disciplinary action are confidential.**

10 **2. The complaint or other document filed by the Board to**
11 **initiate disciplinary action and all documents and information**
12 **considered by the Board when determining whether to impose**
13 **discipline are public records.**

14 **Sec. 17.** NRS 625A.180 is hereby amended to read as follows:

15 625A.180 1. If the Board finds after a hearing, or after
16 providing an opportunity for a hearing, that disciplinary action is
17 necessary, it may by order:

18 (a) Place the environmental health specialist on probation for a
19 specified period or until further order of the Board;

20 (b) Administer a public ~~for private~~ reprimand; or

21 (c) Suspend or revoke his certificate.

22 2. If the order places an environmental health specialist on
23 probation, the Board may impose such limitations or conditions
24 upon his professional activities as it finds consistent to protect the
25 public health.

26 **3. The Board shall not administer a private reprimand.**

27 **4. An order that imposes discipline and the findings of fact**
28 **and conclusions of law supporting that order are public records.**

29 **Sec. 18.** Chapter 628 of NRS is hereby amended by adding
30 thereto a new section to read as follows:

31 **1. Except as otherwise provided in this section, a complaint**
32 **filed with the Board, all documents and other information filed**
33 **with the complaint and all documents and other information**
34 **compiled as a result of an investigation conducted to determine**
35 **whether to initiate disciplinary action are confidential.**

36 **2. The complaint or other document filed by the Board to**
37 **initiate disciplinary action and all documents and information**
38 **considered by the Board when determining whether to impose**
39 **discipline are public records.**

40 **Sec. 19.** NRS 628.390 is hereby amended to read as follows:

41 628.390 1. After giving notice and conducting a hearing, the
42 Board may revoke, or may suspend for a period of not more than 5
43 years, any certificate issued under NRS 628.190 to 628.310,
44 inclusive, any registration or license granted to a registered public
45 accountant under NRS 628.350, or any registration of a partnership,



1 corporation, limited-liability company or office, or may revoke,
2 suspend or refuse to renew any permit issued under NRS 628.380,
3 or may *publicly* censure the holder of any permit, for any one or any
4 combination of the following causes:

5 (a) Fraud or deceit in obtaining a certificate as a certified public
6 accountant, or in obtaining registration or a license as a public
7 accountant under this chapter, or in obtaining a permit to practice
8 public accounting under this chapter.

9 (b) Dishonesty, fraud or gross negligence by a certified or
10 registered public accountant in the practice of public accounting or,
11 if not in the practice of public accounting, of a kind which adversely
12 affects the ability to perform public accounting.

13 (c) Violation of any of the provisions of this chapter.

14 (d) Violation of a regulation or rule of professional conduct
15 adopted by the Board under the authority granted by this chapter.

16 (e) Conviction of a felony under the laws of any state or of the
17 United States.

18 (f) Conviction of any crime, an element of which is dishonesty
19 or fraud, under the laws of any state or of the United States.

20 (g) Cancellation, revocation, suspension or refusal to renew
21 authority to practice as a certified public accountant or a registered
22 public accountant by any other state, for any cause other than failure
23 to pay an annual registration fee or to comply with requirements for
24 continuing education or review of his practice in the other state.

25 (h) Suspension or revocation of the right to practice before any
26 state or federal agency.

27 (i) Unless the person has been placed on inactive or retired
28 status, failure to obtain an annual permit under NRS 628.380,
29 within:

30 (1) Sixty days after the expiration date of the permit to
31 practice last obtained or renewed by the holder of a certificate or
32 registrant; or

33 (2) Sixty days after the date upon which the holder of a
34 certificate or registrant was granted his certificate or registration, if
35 no permit was ever issued to him, unless the failure has been
36 excused by the Board.

37 (j) Conduct discreditable to the profession of public accounting
38 or which reflects adversely upon the fitness of the person to engage
39 in the practice of public accounting.

40 (k) Making a false or misleading statement in support of an
41 application for a certificate, registration or permit of another person.

42 2. After giving notice and conducting a hearing, the Board may
43 deny an application to take the examination prescribed by the Board
44 pursuant to NRS 628.190, deny a person admission to such an
45 examination, invalidate a grade received for such an examination or



1 deny an application for a certificate issued pursuant to NRS 628.190
2 to 628.310, inclusive, to a person who has:

3 (a) Made any false or fraudulent statement, or any misleading
4 statement or omission relating to a material fact in an application:

5 (1) To take the examination prescribed by the Board pursuant
6 to NRS 628.190; or

7 (2) For a certificate issued pursuant to NRS 628.190 to
8 628.310, inclusive;

9 (b) Cheated on an examination prescribed by the Board pursuant
10 to NRS 628.190 or any such examination taken in another state or
11 jurisdiction of the United States;

12 (c) Aided, abetted or conspired with any person in a violation of
13 the provisions of paragraph (a) or (b); or

14 (d) Committed any combination of the acts set forth in
15 paragraphs (a), (b) and (c).

16 3. In addition to other penalties prescribed by this section, the
17 Board may impose a civil penalty of not more than \$5,000 for each
18 violation of this section.

19 4. The Board ~~may recover:~~
20 ~~—(a) Attorney’s fees and costs incurred with respect to a hearing~~
21 ~~held pursuant to this section from a person who is found in violation~~
22 ~~of any of the provisions of this section;~~
23 ~~—(b) Attorney’s fees and costs incurred in the recovery of a civil~~
24 ~~penalty imposed pursuant to this section; and~~
25 ~~—(c) Any other costs incurred by the Board as a result of such a~~
26 ~~violation.] shall not privately censure the holder of any permit,~~
27 ~~license or certificate of registration.~~

28 5. *An order that imposes discipline and the findings of fact*
29 *and conclusions of law supporting that order are public records.*

30 **Sec. 20.** NRS 630.336 is hereby amended to read as follows:

31 630.336 1. ~~Any proceeding of a committee of the Board~~
32 ~~investigating complaints is not subject to the requirements of NRS~~
33 ~~241.020, unless the licensee under investigation requests that the~~
34 ~~proceeding be subject to those requirements.] Any deliberations~~
35 ~~conducted or vote taken by [:~~

36 ~~—(a) The Board or panel regarding its decision; or~~

37 ~~—(b) The] the Board or any investigative committee of the Board~~
38 ~~regarding its ordering of a physician, physician assistant or~~
39 ~~practitioner of respiratory care to undergo a physical or mental~~
40 ~~examination or any other examination designated to assist the Board~~
41 ~~or committee in determining the fitness of a physician, physician~~
42 ~~assistant or practitioner of respiratory care [:] are not subject to the~~
43 ~~requirements of NRS 241.020.~~

44 2. Except as otherwise provided in subsection 3 ~~[:] or 4,~~ all
45 applications for a license to practice medicine or respiratory care,



1 any charges filed by the Board, financial records of the Board,
2 formal hearings on any charges heard by the Board or a panel
3 selected by the Board, records of such hearings and any order or
4 decision of the Board or panel must be open to the public.

5 3. ~~Except as otherwise provided in NRS 630.352 and 630.368,~~
6 ~~the~~ *The* following may be kept confidential:

7 (a) Any statement, evidence, credential or other proof submitted
8 in support of or to verify the contents of an application;

9 (b) ~~All investigations and records of investigations;~~

10 ~~(e)~~ Any report concerning the fitness of any person to receive
11 or hold a license to practice medicine or respiratory care;

12 ~~(d)~~ *and*

13 (c) Any communication between:

14 (1) The Board and any of its committees or panels; and

15 (2) The Board or its staff, investigators, experts, committees,
16 panels, hearing officers, advisory members or consultants and
17 counsel for the ~~Board; and~~

18 ~~(e) Any other information or records in the possession of the~~
19 Board.

20 4. *Except as otherwise provided in subsection 5, a complaint*
21 *filed with the Board pursuant to NRS 630.307, all documents and*
22 *other information filed with the complaint and all documents and*
23 *other information compiled as a result of an investigation*
24 *conducted to determine whether to initiate disciplinary action are*
25 *confidential.*

26 5. *The complaint or other document filed by the Board to*
27 *initiate disciplinary action and all documents and information*
28 *considered by the Board when determining whether to impose*
29 *discipline are public records.*

30 6. This section does not prevent or prohibit the Board from
31 communicating or cooperating with any other licensing board or
32 agency or any agency which is investigating a licensee, including a
33 law enforcement agency. Such cooperation may include, without
34 limitation, providing the board or agency with minutes of a closed
35 meeting, transcripts of oral examinations and the results of oral
36 examinations.

37 **Sec. 21.** NRS 630.352 is hereby amended to read as follows:

38 630.352 1. Any member of the Board, except for an advisory
39 member serving on a panel of the Board hearing charges, may
40 participate in the final order of the Board. If the Board, after a
41 formal hearing, determines from a preponderance of the evidence
42 that a violation of the provisions of this chapter or of the regulations
43 of the Board has occurred, it shall issue and serve on the physician
44 charged an order, in writing, containing its findings and any
45 sanctions.



1 2. If the Board determines that no violation has occurred, it
2 shall dismiss the charges, in writing, and notify the physician that
3 the charges have been dismissed. If the disciplinary proceedings
4 were instituted against the physician as a result of a complaint filed
5 against him, the Board may provide the physician with a copy of the
6 complaint.

7 3. Except as otherwise provided in subsection 4, if the Board
8 finds that a violation has occurred, it may by order:

9 (a) Place the person on probation for a specified period on any
10 of the conditions specified in the order;

11 (b) Administer to him a public reprimand;

12 (c) Limit his practice or exclude one or more specified branches
13 of medicine from his practice;

14 (d) Suspend his license for a specified period or until further
15 order of the Board;

16 (e) Revoke his license to practice medicine;

17 (f) Require him to participate in a program to correct alcohol or
18 drug dependence or any other impairment;

19 (g) Require supervision of his practice;

20 (h) Impose a fine not to exceed \$5,000;

21 (i) Require him to perform community service without
22 compensation;

23 (j) Require him to take a physical or mental examination or an
24 examination testing his competence; *and*

25 (k) Require him to fulfill certain training or educational
26 requirements. ~~and~~

27 ~~—(l) Require him to pay all costs incurred by the Board relating to
28 his disciplinary proceedings.]~~

29 4. If the Board finds that the physician has violated the
30 provisions of NRS 439B.425, the Board shall suspend his license for
31 a specified period or until further order of the Board.

32 ***5. The Board shall not administer a private reprimand.***

33 ***6. An order that imposes discipline and the findings of fact
34 and conclusions of law supporting that order are public records.***

35 **Sec. 22.** NRS 630A.510 is hereby amended to read as follows:

36 630A.510 1. Any member of the Board who was not a
37 member of the investigative committee, if one was appointed, may
38 participate in the final order of the Board. If the Board, after a
39 formal hearing, determines that a violation of the provisions of this
40 chapter or the regulations adopted by the Board has occurred, it
41 shall issue and serve on the person charged an order, in writing,
42 containing its findings and any sanctions imposed by the Board. If
43 the Board determines that no violation has occurred, it shall dismiss
44 the charges, in writing, and notify the person that the charges have
45 been dismissed.



- 1 2. If the Board finds that a violation has occurred, it may by
2 order:
3 (a) Place the person on probation for a specified period on any
4 of the conditions specified in the order.
5 (b) Administer to the person a public reprimand.
6 (c) Limit the practice of the person or exclude a method of
7 treatment from the scope of his practice.
8 (d) Suspend the license of the person for a specified period or
9 until further order of the Board.
10 (e) Revoke the license of the person to practice homeopathic
11 medicine.
12 (f) Require the person to participate in a program to correct a
13 dependence upon alcohol or a controlled substance, or any other
14 impairment.
15 (g) Require supervision of the person's practice.
16 (h) Impose an administrative fine not to exceed \$10,000.
17 (i) Require the person to perform community service without
18 compensation.
19 (j) Require the person to take a physical or mental examination
20 or an examination of his competence to practice homeopathic
21 medicine.
22 (k) Require the person to fulfill certain training or educational
23 requirements.

24 ~~[(l) Require the person to pay the costs of the investigation and~~
25 ~~hearing.]~~

- 26 **3. *The Board shall not administer a private reprimand.***
27 **4. *An order that imposes discipline and the findings of fact***
28 ***and conclusions of law supporting that order are public records.***

29 **Sec. 23.** NRS 630A.555 is hereby amended to read as follows:
30 630A.555 1. Except as otherwise provided in ~~[subsection 2,]~~
31 ***this section***, any records or information obtained during an
32 investigation by the Board and any record of the investigation are
33 confidential. ~~[until the investigation is completed. Upon completion~~
34 ~~of the investigation, the information and records are public records~~
35 ~~if:~~

- 36 ~~—(a) Disciplinary action is imposed by the Board as a result of the~~
37 ~~investigation; or~~
38 ~~—(b) The person regarding whom the investigation was made~~
39 ~~submits a written request to the Board asking that the information~~
40 ~~and records be made public records.]~~

41 2. The ***complaint or other document filed by the Board to***
42 ***initiate disciplinary action and all documents and information***
43 ***considered by the Board when determining whether to impose***
44 ***discipline are public.***



1 **3. The** Board may provide any record or information described
2 in subsection 1 to any other licensing board or agency, including a
3 law enforcement agency, which is investigating a person who is
4 licensed pursuant to this chapter.

5 **Sec. 24.** NRS 631.350 is hereby amended to read as follows:

6 631.350 1. Except as otherwise provided in NRS 631.271
7 and 631.347, the Board may:

- 8 (a) Refuse to issue a license to any person;
- 9 (b) Revoke or suspend the license or renewal certificate issued
10 by it to any person;
- 11 (c) Fine a person it has licensed;
- 12 (d) Place a person on probation for a specified period on any
13 conditions the Board may order;
- 14 (e) Issue a public reprimand to a person;
- 15 (f) Limit a person's practice to certain branches of dentistry;
- 16 (g) Require a person to participate in a program to correct
17 alcohol or drug abuse or any other impairment;
- 18 (h) Require that a person's practice be supervised;
- 19 (i) Require a person to perform community service without
20 compensation;
- 21 (j) Require a person to take a physical or mental examination or
22 an examination of his competence;
- 23 (k) Require a person to fulfill certain training or educational
24 requirements;
- 25 (l) Require a person to reimburse a patient; or
- 26 (m) Any combination thereof,
- 27 upon proof satisfactory to the Board that the person has engaged in
28 any of the activities listed in subsection 2.

29 2. The following activities may be punished as provided in
30 subsection 1:

- 31 (a) Engaging in the illegal practice of dentistry or dental
32 hygiene;
- 33 (b) Engaging in unprofessional conduct; or
- 34 (c) Violating any regulations adopted by the Board or the
35 provisions of this chapter.

36 3. The Board may delegate to a hearing officer or panel its
37 authority to take any disciplinary action pursuant to this chapter,
38 impose and collect fines therefor and deposit the money therefrom
39 in banks, credit unions or savings and loan associations in this state.

40 4. If a hearing officer or panel is not authorized to take
41 disciplinary action pursuant to subsection 3 and the Board deposits
42 the money collected from the imposition of fines with the State
43 Treasurer for credit to the State General Fund, it may present a
44 claim to the State Board of Examiners for recommendation to the



1 Interim Finance Committee if money is needed to pay attorney’s
2 fees or the costs of an investigation, or both.

3 **5. *The Board shall not administer a private reprimand.***

4 **6. *An order that imposes discipline and the findings of fact***
5 ***and conclusions of law supporting that order are public records.***

6 **Sec. 25.** NRS 631.368 is hereby amended to read as follows:

7 631.368 1. Except as otherwise provided in ~~[subsection 2,]~~
8 ***this section***, any records or information obtained during the course
9 of an investigation by the Board and any record of the investigation
10 are confidential . ~~[until the investigation is completed. Upon~~
11 ~~completion of the investigation the information and records are~~
12 ~~public records, only if:~~

13 ~~—(a) Disciplinary action is imposed by the Board as a result of the~~
14 ~~investigation; or~~

15 ~~—(b) The person regarding whom the investigation was made~~
16 ~~submits a written request to the Board asking that the information~~
17 ~~and records be made public records.]~~

18 2. The ***complaint or other document filed by the Board to***
19 ***initiate disciplinary action and all documents and information***
20 ***considered by the Board when determining whether to impose***
21 ***discipline are public records.***

22 **3. *The*** Board may provide any record or information described
23 in subsection 1 to any other licensing board or agency or any agency
24 which is investigating a person licensed pursuant to this chapter,
25 including a law enforcement agency.

26 **Sec. 26.** NRS 632.325 is hereby amended to read as follows:

27 632.325 1. If the Board determines that a licensee or holder
28 of a certificate has committed any of the acts set forth in NRS
29 632.320, it may take any one or more of the following disciplinary
30 actions:

31 (a) Place conditions, limitations or restrictions on his license or
32 certificate.

33 (b) Impose and collect an administrative fine of not more than
34 \$5,000.

35 (c) ~~[Require the licensee or holder of a certificate to pay all costs~~
36 ~~incurred by the Board relating to the discipline of the licensee or~~
37 ~~holder of a certificate.~~

38 ~~—(d) Reprimand]~~ ***Publicly reprimand*** the licensee or holder of a
39 certificate.

40 ~~[(e)]~~ ***(d)*** Accept the voluntary surrender of a license or
41 certificate in lieu of imposing any other disciplinary action set forth
42 in this subsection.

43 2. If the Board determines that:

44 (a) A person whose license or certificate is suspended or
45 voluntarily surrendered, or has been placed on an inactive list



1 pursuant to NRS 632.341, has committed, during the period his
2 license or certificate was valid, inactive or would have been valid if
3 not for the suspension or surrender; or

4 (b) An applicant for the renewal or reinstatement of a license or
5 certificate has committed, at any time after the most recent renewal
6 of his license or certificate or the issuance of his original license or
7 certificate if it has not been renewed,
8 any of the acts set forth in NRS 632.320, the Board may take any
9 one or more of the disciplinary actions set forth in subsection 1.

10 **3. *The Board shall not privately reprimand a licensee or***
11 ***holder of a certificate.***

12 **4. *An order that imposes discipline and the findings of fact***
13 ***and conclusions of law supporting that order are public records.***

14 **Sec. 27.** NRS 632.405 is hereby amended to read as follows:

15 632.405 1. ~~[Any] Except as otherwise provided in this~~
16 ~~section, any records or information obtained during the course of an~~
17 ~~investigation by the Board and any record of the investigation are~~
18 ~~confidential . [until the investigation is completed. Upon completion~~
19 ~~of the investigation the information and records are public records;~~
20 ~~only if:~~

21 ~~—(a) Disciplinary action is imposed by the Board as a result of the~~
22 ~~investigation; or~~

23 ~~—(b) The person regarding whom the investigation was made~~
24 ~~submits a written request to the Board asking that the information~~
25 ~~and records be made public records.]~~

26 2. ***The complaint or other document filed by the Board to***
27 ***initiate disciplinary action and all documents and information***
28 ***considered by the Board when determining whether to impose***
29 ***disciplinary action are public records.***

30 3. This section does not prevent or prohibit the Board from
31 communicating or cooperating with another licensing board or any
32 agency that is investigating a licensee, including a law enforcement
33 agency.

34 **Sec. 28.** Chapter 633 of NRS is hereby amended by adding
35 thereto a new section to read as follows:

36 1. ***Except as otherwise provided in this section, a complaint***
37 ***filed with the Board, all documents and other information filed***
38 ***with the complaint and all documents and other information***
39 ***compiled as a result of the investigation conducted to determine***
40 ***whether to initiate disciplinary action are confidential.***

41 2. ***The complaint or other document filed by the Board to***
42 ***initiate disciplinary action and all documents and information***
43 ***considered by the Board when determining whether to impose***
44 ***discipline are public records.***



1 **Sec. 29.** NRS 633.301 is hereby amended to read as follows:
2 633.301 The Board shall keep a record of its proceedings
3 relating to licensing and disciplinary actions. ~~[The record shall]~~
4 *Except as otherwise provided in section 28 of this act, the record*
5 *must* be open to public inspection at all reasonable times and ~~[shall~~
6 ~~also]~~ contain the name, known place of business and residence, and
7 the date and number of the license of every osteopathic physician
8 licensed under this chapter.

9 **Sec. 30.** NRS 633.651 is hereby amended to read as follows:
10 633.651 1. The person charged in a formal complaint is
11 entitled to a hearing before the Board, but the failure of the person
12 charged to attend his hearing or his failure to defend himself must
13 not delay or void the proceedings. The Board may, for good cause
14 shown, continue any hearing from time to time.

15 2. If the Board finds the person guilty as charged in the formal
16 complaint, it may by order:

17 (a) Place the person on probation for a specified period or until
18 further order of the Board.

19 (b) Administer to the person a public reprimand.

20 (c) Limit the practice of the person to, or by the exclusion of,
21 one or more specified branches of osteopathic medicine.

22 (d) Suspend the license of the person to practice osteopathic
23 medicine for a specified period or until further order of the Board.

24 (e) Revoke the license of the person to practice osteopathic
25 medicine.

26 The order of the Board may contain such other terms, provisions or
27 conditions as the Board deems proper and which are not inconsistent
28 with law.

29 3. *The Board shall not administer a private reprimand.*

30 4. *An order that imposes discipline and the findings of fact*
31 *and conclusions of law supporting that order are public records.*

32 **Sec. 31.** Chapter 634 of NRS is hereby amended by adding
33 thereto a new section to read as follows:

34 1. *Except as otherwise provided in this section, a complaint*
35 *filed with the Board, all documents and other information filed*
36 *with the complaint and all documents and other information*
37 *compiled as a result of the investigation conducted to determine*
38 *whether to initiate disciplinary action are confidential.*

39 2. *The complaint or other document filed by the Board to*
40 *initiate disciplinary action and all documents and information*
41 *considered by the Board when determining whether to impose*
42 *discipline are public records.*

43 **Sec. 32.** NRS 634.190 is hereby amended to read as follows:

44 634.190 1. The person charged is entitled to a hearing before
45 the Board, but the failure of the person charged to attend his hearing



1 or his failure to defend himself does not delay or void the
2 proceedings. The Board may, for good cause shown, continue any
3 hearing from time to time.

4 2. If the Board finds the person guilty as charged in the
5 complaint, it may by order:

6 (a) Place the person on probation for a specified period or until
7 further order of the Board.

8 (b) Administer to the person a public ~~for private~~ reprimand.

9 (c) Limit the practice of the person to, or by the exclusion of,
10 one or more specified branches of chiropractic.

11 (d) Suspend the license of the person to practice chiropractic for
12 a specified period or until further order of the Board.

13 (e) Revoke the license of the person to practice chiropractic.

14 (f) Impose a fine of not more than \$10,000, which must be
15 deposited with the State Treasurer for credit to the State General
16 Fund.

17 ~~[(g) Require the person to pay all costs incurred by the Board
18 relating to the discipline of the person.]~~

19 The order of the Board may contain such other terms, provisions or
20 conditions as the Board deems proper and which are not inconsistent
21 with law.

22 3. If the Board finds that a licensee has violated the provisions
23 of NRS 439B.425, the Board shall suspend his license for a
24 specified period or until further order of the Board.

25 ***4. The Board shall not administer a private reprimand.***

26 ***5. An order that imposes discipline and the findings of fact
27 and conclusions of law supporting that order are public records.***

28 **Sec. 33.** NRS 634.212 is hereby amended to read as follows:

29 634.212 1. The Board shall keep a record of its proceedings
30 relating to licensing and disciplinary actions. ~~These~~ ***Except as
31 otherwise provided in section 31 of this act, the*** records must be
32 open to public inspection at all reasonable times and must contain
33 the name, known place of business and residence, and the date and
34 number of the license of every chiropractor licensed under this
35 chapter. The Board may keep such other records as it deems
36 desirable.

37 2. Except as ***otherwise*** provided in this subsection, all
38 information pertaining to the personal background, medical history
39 or financial affairs of an applicant or licensee which the Board
40 requires to be furnished to it under this chapter, or which it
41 otherwise obtains, is confidential and may be disclosed in whole or
42 in part only as necessary in the course of administering this chapter
43 or upon the order of a court of competent jurisdiction. The Board
44 may, under procedures established by regulation, permit the
45 disclosure of this information to any agent of the Federal



1 Government, of another state or of any political subdivision of this
2 state who is authorized to receive it.

3 3. Notice of the disclosure and the contents of the information
4 disclosed pursuant to subsection 2 must be given to the applicant or
5 licensee who is the subject of that information.

6 **Sec. 34.** Chapter 634A of NRS is hereby amended by adding
7 thereto a new section to read as follows:

8 *1. Except as otherwise provided in this section, a complaint*
9 *filed with the Board, all documents and other information filed*
10 *with the complaint and all documents and other information*
11 *compiled as a result of the investigation conducted to determine*
12 *whether to initiate disciplinary action are confidential.*

13 *2. The complaint or other document filed by the Board to*
14 *initiate disciplinary action and all documents and information*
15 *considered by the Board when determining whether to impose*
16 *discipline are public records.*

17 *3. An order that imposes discipline and the findings of fact*
18 *and conclusions of law supporting that order are public records.*

19 **Sec. 35.** NRS 634A.250 is hereby amended to read as follows:

20 634A.250 ~~[-]~~ In addition to any other penalties prescribed
21 by law, the Board may, after notice and hearing, impose upon any
22 person who violates any provision of this chapter or the regulations
23 adopted pursuant thereto an administrative fine of not more than
24 \$2,500.

25 ~~[2. If discipline is imposed pursuant to this chapter, the costs of~~
26 ~~the proceeding, including investigative costs and attorney's fees,~~
27 ~~may be recovered by the Board.]~~

28 **Sec. 36.** Chapter 635 of NRS is hereby amended by adding
29 thereto a new section to read as follows:

30 *1. Except as otherwise provided in this section, a complaint*
31 *filed with the Board, all documents and other information filed*
32 *with the complaint and all documents and other information*
33 *compiled as a result of the investigation conducted to determine*
34 *whether to initiate disciplinary action are confidential.*

35 *2. The complaint or other document filed by the Board to*
36 *initiate disciplinary action and all documents and information*
37 *considered by the Board when determining whether to impose*
38 *discipline are public records.*

39 *3. An order that imposes discipline and the findings of fact*
40 *and conclusions of law supporting that order are public records.*

41 **Sec. 37.** NRS 635.130 is hereby amended to read as follows:

42 635.130 1. The Board, after notice and hearing, and upon any
43 cause enumerated in subsection 2, may take one or more of the
44 following disciplinary actions:



1 (a) Deny an application for a license or refuse to renew a
2 license.

3 (b) Suspend or revoke a license.

4 (c) Place a licensee on probation.

5 (d) Impose a fine not to exceed \$5,000.

6 ~~[(e) Require the licensee to pay all costs incurred by the Board
7 relating to the discipline of the licensee.]~~

8 2. The Board may take disciplinary action against a licensee for
9 any of the following causes:

10 (a) The making of a false statement in any affidavit required of
11 the applicant for application, examination or licensure pursuant to
12 the provisions of this chapter.

13 (b) Lending the use of the holder's name to an unlicensed
14 person.

15 (c) If the holder is a podiatric physician, his permitting an
16 unlicensed person in his employ to practice as a podiatry hygienist.

17 (d) Habitual indulgence in the use of alcohol or any controlled
18 substance which impairs the intellect and judgment to such an extent
19 as in the opinion of the Board incapacitates the holder in the
20 performance of his professional duties.

21 (e) Conviction of a crime involving moral turpitude.

22 (f) Conviction of violating any of the provisions of NRS
23 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
24 inclusive.

25 (g) Conduct which in the opinion of the Board disqualifies him
26 to practice with safety to the public.

27 (h) The commission of fraud by or on behalf of the licensee
28 regarding his license or practice.

29 (i) Gross incompetency.

30 (j) Affliction of the licensee with any mental or physical
31 disorder which seriously impairs his competence as a podiatric
32 physician or podiatry hygienist.

33 (k) False representation by or on behalf of the licensee regarding
34 his practice.

35 (l) Unethical or unprofessional conduct.

36 (m) Willful or repeated violations of this chapter or regulations
37 adopted by the Board.

38 (n) Willful violation of the regulations adopted by the State
39 Board of Pharmacy.

40 **Sec. 38.** NRS 635.180 is hereby amended to read as follows:

41 635.180 Except as otherwise provided in NRS 635.167, every
42 person who practices podiatry or as a podiatry hygienist without
43 having complied with the provisions of this chapter must be fined
44 not more than \$10,000 for each offense . ~~and may be required to~~



1 ~~pay all costs incurred by the Board relating to the discipline of the~~
2 ~~person.]~~

3 **Sec. 39.** Chapter 636 of NRS is hereby amended by adding
4 thereto a new section to read as follows:

5 *1. Except as otherwise provided in this section, a complaint*
6 *filed with the Board, all documents and other information filed*
7 *with the complaint and all documents and other information*
8 *compiled as a result of an investigation conducted to determine*
9 *whether to initiate disciplinary action are confidential.*

10 *2. The complaint or other document filed by the Board to*
11 *initiate disciplinary action and all documents and information*
12 *considered by the Board when determining whether to impose*
13 *discipline are public records.*

14 **Sec. 40.** NRS 636.105 is hereby amended to read as follows:

- 15 636.105 1. The Executive Director shall make and keep:
16 (a) A record of all meetings and proceedings of the Board.
17 (b) A record of all prosecutions and violations of this chapter.
18 (c) A record of the results of all examinations of applicants.
19 (d) A register of all licensees.
20 (e) An inventory of all property of the Board and all property of
21 the State in the Board's possession.

22 2. ~~[A]H~~ *Except as otherwise provided in section 39 of this act,*
23 records of the Board are subject to public inspection.

24 3. All records of the Board must be kept in the office of the
25 Board.

26 **Sec. 41.** NRS 636.325 is hereby amended to read as follows:

27 636.325 1. Upon conclusion of the hearing, or waiver thereof
28 by the licensee against whom the charge is filed, the Board shall
29 make and announce its decision. If the Board determines that the
30 allegations included in the charge are true, it may ~~[, in the exercise~~
31 ~~of reasonable discretion,]~~ take any one or more of the following
32 actions:

- 33 (a) ~~[Reprimand]~~ *Publicly reprimand* the licensee;
34 (b) Place the licensee on probation for a specified or unspecified
35 period;
36 (c) Suspend the licensee from practice for a specified or
37 unspecified period;
38 (d) Revoke the licensee's license; or
39 (e) Impose an administrative fine pursuant to the provisions of
40 NRS 636.420 . ~~[and order the licensee to pay any costs or fees~~
41 ~~incurred by the Board in connection with the hearing.]~~

42 The Board may, in connection with a reprimand, probation or
43 suspension, impose such other terms or conditions as it deems
44 necessary.



1 2. If the Board determines that the allegations included in the
2 charge are false or do not warrant disciplinary action, it shall
3 dismiss the charge.

4 **3. *The Board shall not privately reprimand a licensee.***

5 **4. *An order that imposes discipline and the findings of fact***
6 ***and conclusions of law supporting that order are public records.***

7 **Sec. 42.** Chapter 637 of NRS is hereby amended by adding
8 thereto a new section to read as follows:

9 **1. *Except as otherwise provided in this section, a complaint***
10 ***filed with the Board, all documents and other information filed***
11 ***with the complaint and all documents and other information***
12 ***compiled as a result of the investigation conducted to determine***
13 ***whether to initiate disciplinary action are confidential.***

14 **2. *The complaint or other document filed by the Board to***
15 ***initiate disciplinary action and all documents and information***
16 ***considered by the Board when determining whether to impose***
17 ***discipline are public records.***

18 **Sec. 43.** NRS 637.085 is hereby amended to read as follows:

19 637.085 1. Except as otherwise provided in subsection 2, ***and***
20 ***section 42 of this act,*** all applications for licensure, any charges
21 filed by the Board, financial records of the Board, formal hearings
22 on any charges heard by the Board or a panel selected by the Board,
23 records of the hearings and any order or decision of the Board or
24 panel must be open to the public.

25 **2. ~~The~~ *Except as otherwise provided in section 42 of this***
26 ***act, the*** following may be kept confidential:

27 (a) Any statement, evidence, credential or other proof submitted
28 in support of or to verify the contents of an application.

29 (b) ~~All investigations and records of investigations.~~

30 ~~(c)~~ Any report concerning the fitness of any person to receive
31 or hold a license to practice ophthalmic dispensing.

32 ~~(d)~~ (c) Any communication between:

33 (1) The Board and any of its committees or panels; and

34 (2) The Board or its staff, investigators, experts, committees,
35 panels, hearing officers, advisory members or consultants and
36 counsel for the Board.

37 ~~(e)~~ (d) Any other information or records in the possession of
38 the Board.

39 3. This section does not prohibit the Board from
40 communicating or cooperating with any other licensing board or
41 agency or any agency which is investigating a licensee, including a
42 law enforcement agency.

43 **Sec. 44.** NRS 637.150 is hereby amended to read as follows:

44 637.150 **1.** Upon proof to the satisfaction of the Board that an
45 applicant or holder of a license:



- 1 ~~[1.]~~ (a) Has been adjudicated insane;
- 2 ~~[2.]~~ (b) Habitually uses any controlled substance or intoxicant;
- 3 ~~[3.]~~ (c) Has been convicted of a crime involving moral
4 turpitude;
- 5 ~~[4.]~~ (d) Has been convicted of violating any of the provisions of
6 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
7 inclusive;
- 8 ~~[5.]~~ (e) Has advertised in any manner which would tend to
9 deceive, defraud or mislead the public;
- 10 ~~[6.]~~ (f) Has presented to the Board any diploma, license or
11 certificate that has been signed or issued unlawfully or under
12 fraudulent representations, or obtains or has obtained a license to
13 practice in the State through fraud of any kind;
- 14 ~~[7.]~~ (g) Has been convicted of a violation of any federal or state
15 law relating to a controlled substance;
- 16 ~~[8.]~~ (h) Has violated any regulation of the Board;
- 17 ~~[9.]~~ (i) Has violated any provision of this chapter;
- 18 ~~[10.]~~ (j) Is incompetent;
- 19 ~~[11.]~~ (k) Is guilty of unethical or unprofessional conduct as
20 determined by the Board;
- 21 ~~[12.]~~ (l) Is guilty of repeated malpractice, which may be
22 evidenced by claims of malpractice settled against a practitioner; or
- 23 ~~[13.]~~ (m) Is guilty of a fraudulent or deceptive practice as
24 determined by the Board,
25 the Board may, in the case of an applicant, refuse to grant him a
26 license, or may, in the case of a holder of a license, place him on
27 probation, reprimand him ~~[privately or]~~ publicly, require him to pay
28 an administrative fine of not more than \$10,000, suspend or revoke
29 his license, or take any combination of these disciplinary actions.

30 ***2. The Board shall not privately reprimand a holder of a***
31 ***license.***

32 ***3. An order that imposes discipline and the findings of fact***
33 ***and conclusions of law supporting that order are public records.***

34 **Sec. 45.** Chapter 637A of NRS is hereby amended by adding
35 thereto a new section to read as follows:

36 ***1. Except as otherwise provided in this section, a complaint***
37 ***filed with the Board, all documents and other information filed***
38 ***with the complaint and all documents and other information***
39 ***compiled as a result of an investigation conducted to determine***
40 ***whether to initiate disciplinary action are confidential.***

41 ***2. The complaint or other document filed by the Board to***
42 ***initiate disciplinary action and all documents and information***
43 ***considered by the Board when determining whether to impose***
44 ***discipline are public records.***



1 **Sec. 46.** NRS 637A.290 is hereby amended to read as follows:
2 637A.290 1. The holder of any license issued by the Board
3 whose default has been entered or who has been heard by the Board
4 and found guilty of the violation alleged in the complaint may be
5 disciplined by the Board by one or more of the following methods:

6 (a) Placing the licensee on probation for a period not to exceed 2
7 years;

8 (b) Suspending the right of the licensee to practice, or the right
9 to use a license, for a period not to exceed 3 years;

10 (c) Revoking the license;

11 (d) Public ~~for private~~ reprimand;

12 (e) Imposition of an administrative fine not to exceed \$5,000
13 upon a finding by the Board of more than one violation;

14 (f) ~~Requiring the licensee to pay the costs incurred by the~~
15 ~~Board in investigating and disciplining the licensee;~~

16 ~~(g)~~ Requiring the licensee to pay restitution to any person who
17 has suffered an economic loss as a result of a violation of the
18 provisions of this chapter or any regulation adopted by the Board
19 pursuant thereto; or

20 ~~(h)~~ (g) Requiring the licensee to retake and pass the
21 examination or otherwise demonstrate that he is qualified and
22 competent to practice.

23 2. If a license is suspended, it must be surrendered to the Board
24 and returned to the licensee upon termination of the period of
25 suspension.

26 3. *The Board shall not issue a private reprimand.*

27 4. *An order that imposes discipline and the findings of fact*
28 *and conclusions of law supporting that order are public records.*

29 **Sec. 47.** Chapter 637B of NRS is hereby amended by adding
30 thereto a new section to read as follows:

31 1. *Except as otherwise provided in this section, a complaint*
32 *filed with the Board, all documents and other information filed*
33 *with the complaint and all documents and other information*
34 *compiled as a result of an investigation conducted to determine*
35 *whether to initiate disciplinary action are confidential.*

36 2. *The complaint or other document filed by the Board to*
37 *initiate disciplinary action and all documents and information*
38 *considered by the Board when determining whether to impose*
39 *discipline are public records.*

40 **Sec. 48.** NRS 637B.280 is hereby amended to read as follows:

41 637B.280 1. If, after the hearing, the Board determines that
42 the applicant or licensee has committed any act which constitutes
43 grounds for disciplinary action, the Board may , in the case of the
44 applicant , refuse to issue a license, and in all other cases:

45 ~~(1)~~ (a) Refuse to renew a license;



- 1 ~~[2.]~~ (b) Revoke a license;
- 2 ~~[3.]~~ (c) Suspend a license for a definite time, not to exceed 1
- 3 year;
- 4 ~~[4.]~~ (d) Administer to the licensee a public ~~[or—private]~~
- 5 reprimand; or
- 6 ~~[5.]~~ (e) Impose a civil penalty not to exceed \$1,000.

- 7 **2. *The Board shall not administer a private reprimand.***
- 8 **3. *An order that imposes discipline and the findings of fact***
- 9 ***and conclusions of law supporting that order are public records***

10 **Sec. 49.** Chapter 638 of NRS is hereby amended by adding
11 thereto a new section to read as follows:

12 **1. *Except as otherwise provided in this section, a complaint***
13 ***filed with the Board, all documents and other information filed***
14 ***with the complaint and all documents and other information***
15 ***compiled as a result of an investigation conducted to determine***
16 ***whether to initiate disciplinary action are confidential.***

17 **2. *The complaint or other document filed by the Board to***
18 ***initiate disciplinary action and all documents and information***
19 ***considered by the Board when determining whether to impose***
20 ***discipline are public records.***

21 **Sec. 50.** NRS 638.087 is hereby amended to read as follows:

22 638.087 1. The Board shall keep a record of:

- 23 (a) All charges filed against a licensee;
- 24 (b) The proceedings of any formal hearing conducted by the
- 25 Board or a hearing officer;
- 26 (c) Any order filed by the Board; and
- 27 (d) All licenses issued by the Board including the name of the
- 28 holder of the license, his business and residential addresses, the date
- 29 the license was issued and the serial number of the license.

30 **2. ~~[The]~~ *Except as otherwise provided in section 49 of this***
31 ***act, the*** records of the Board listed in subsection 1 must be open to
32 the public at reasonable times and places.

33 **Sec. 51.** NRS 638.100 is hereby amended to read as follows:

34 638.100 1. Any person who desires to secure a license to
35 practice veterinary medicine, surgery, obstetrics or dentistry in the
36 State of Nevada must make written application to the Executive
37 Director of the Board.

38 2. The application must include the social security number of
39 the applicant and any other information required by the Board and
40 must be accompanied by satisfactory proof that the applicant:

- 41 (a) Is of good moral character;
- 42 (b) Except as otherwise provided in subsection 3, has received a
- 43 diploma conferring the degree of doctor of veterinary medicine or
- 44 its equivalent from a school of veterinary medicine within the
- 45 United States or Canada or, if the applicant is a graduate of a school



1 of veterinary medicine located outside the United States or Canada,
2 that he has received an educational certificate issued after
3 December 31, 1972, by the Educational ~~{Committee on}~~
4 *Commission for* Foreign Veterinary Graduates of the American
5 Veterinary Medical Association;

6 (c) Has passed each examination required by the Board pursuant
7 to NRS 638.110; and

8 (d) Is a citizen of the United States or is lawfully entitled to
9 remain and work in the United States.

10 3. A veterinary student in his final year at a school accredited
11 by the American Veterinary Medical Association may submit an
12 application to the Board and take the state examination administered
13 by the Board, but the Board may not issue him a license until he has
14 complied with the requirements of subsection 2.

15 4. The application must be signed by the applicant, notarized
16 and accompanied by a fee set by the Board, not to exceed \$500.

17 5. The Board may refuse to issue a license upon satisfactory
18 proof that the applicant has committed an act which would be a
19 ground for disciplinary action if the applicant were a licensee.

20 ~~{6. If an applicant brings a civil action against the Board for
21 denial of a license and the decision of the Board is upheld, the
22 Board may recover all administrative expenses and attorney's fees
23 and costs incurred by the Board in defending the action brought
24 against it.}~~

25 **Sec. 52.** NRS 638.147 is hereby amended to read as follows:

26 638.147 *1.* If the Board determines that any applicant for a
27 license or any person licensed pursuant to this chapter has
28 committed any of the acts which are grounds for disciplinary action,
29 the Board may:

30 ~~{1.}~~ (a) Refuse to issue a license.

31 ~~{2.}~~ (b) Refuse to renew a license.

32 ~~{3.}~~ (c) Revoke a license.

33 ~~{4.}~~ (d) Suspend a license for a definite period or until further
34 order of the Board.

35 ~~{5.}~~ (e) Impose a fine in an amount not to exceed \$10,000 for
36 each act which constitutes a ground for disciplinary action.

37 ~~{6.}~~ (f) Place a licensee on probation subject to any reasonable
38 conditions imposed by the Board, including requiring courses in
39 continuing education or a periodic or continuous review of his
40 practice.

41 ~~{7.}~~ (g) Administer a public ~~{or private reprimand.~~

42 ~~{8.}~~ *reprimand.*

43 (h) Limit the practice of the licensee to specified branches of
44 veterinary medicine.



1 ~~[9.]~~ (i) Require the licensee to take a competency examination
2 or a mental or physical examination.

3 ~~[10.—Require the licensee to pay all costs incurred by the Board
4 in taking disciplinary action against the licensee.]~~

5 *2. The Board shall not administer a private reprimand.*

6 *3. An order that imposes discipline and the findings of fact
7 and conclusions of law supporting that order are public records.*

8 **Sec. 53.** NRS 639.2485 is hereby amended to read as follows:

9 639.2485 1. ~~[Any]~~ *Except as otherwise provided in this
10 section, any* records or information obtained during the course of an
11 investigation by the Board and any record of the investigation are
12 confidential. ~~[until the investigation is completed. Upon completion
13 of the investigation the information and records are public records;
14 only if:~~

15 ~~—(a) Disciplinary action is imposed by the Board as a result of the
16 investigation; or~~

17 ~~—(b) The person regarding whom the investigation was made
18 submits a written request to the Board asking that the information
19 and records be made public records.]~~

20 *2. The complaint or other document filed by the Board to
21 initiate disciplinary action and all documents and information
22 considered by the Board when determining whether to impose
23 discipline are public records.*

24 *3.* The Board may disclose to a practitioner and a law
25 enforcement agency information concerning a person who procures
26 or attempts to procure any dangerous drug or controlled substance in
27 violation of NRS 453.391 or 454.311.

28 ~~[3.]~~ *4.* If the Board receives a request or subpoena for records
29 or information obtained during an investigation by the Board and
30 the records or information is not made public pursuant to subsection
31 ~~[1.]~~ *2,* the Board shall notify the person regarding whom the
32 investigation was made of the request or subpoena. If that person
33 does not consent in writing to the release of the records or
34 information, the Board may release the records or information only
35 upon the order of a court of competent jurisdiction.

36 **Sec. 54.** NRS 639.255 is hereby amended to read as follows:

37 639.255 1. The holder of any certificate, license or permit
38 issued by the Board, whose default has been entered or who has
39 been heard by the Board and found guilty of the violations alleged
40 in the accusation, may be disciplined by the Board by one or more
41 of the following methods:

42 (a) Suspending judgment;

43 (b) Placing the certificate, license or permit holder on probation;



1 (c) Suspending the right of a certificate holder to practice, or the
2 right to use any license or permit, for a period to be determined by
3 the Board;

4 (d) Revoking the certificate, license or permit;

5 (e) Public reprimand; *or*

6 (f) Imposition of a fine for each count of the accusation, in
7 accordance with the schedule of fines established pursuant to
8 subsection 3. ~~;~~

9 ~~—(g) Requiring the certificate, license or permit holder to pay all
10 costs and attorney's fees incurred by the Board relating to the
11 discipline of the person.]~~

12 2. Such action by the Board is final, except that the propriety of
13 such action is subject to review upon questions of law by a court of
14 competent jurisdiction.

15 3. The Board shall, by regulation, establish a schedule of fines
16 that may be imposed pursuant to paragraph (f) of subsection 1. Each
17 fine must be commensurate with the severity of the applicable
18 violation, but must not exceed \$10,000 for each violation.

19 **4. The Board shall not issue a private reprimand.**

20 **5. An order that imposes discipline and the findings of fact
21 and conclusions of law supporting that order are public records.**

22 **Sec. 55.** NRS 640.075 is hereby amended to read as follows:

23 640.075 1. ~~[Any]~~ **Except as otherwise provided in this
24 section, any** records or information obtained during the course of an
25 investigation by the Board and any record of the investigation are
26 confidential. ~~[until the investigation is completed. Upon completion
27 of the investigation the information and records are public records,
28 only if:~~

29 ~~—(a) Disciplinary action is imposed by the Board as a result of the
30 investigation; or~~

31 ~~—(b) The person regarding whom the investigation was made
32 submits a written request to the Board asking that the information
33 and records be made public records.]~~

34 2. **The complaint or other document filed by the Board to
35 initiate disciplinary action and all documents and information
36 considered by the Board when determining whether to impose
37 discipline are public records.**

38 3. This section does not prevent or prohibit the Board from
39 communicating or cooperating with another licensing board or any
40 agency that is investigating a licensee, including a law enforcement
41 agency.

42 **4. An order that imposes discipline and the findings of fact
43 and conclusions of law supporting that order are public records.**



1 **Sec. 56.** NRS 640.160 is hereby amended to read as follows:
2 640.160 1. The Board, after ~~due~~ notice and hearing, and
3 upon any ground enumerated in subsection 2, may take one or more
4 of the following actions:
5 (a) Refuse to issue a license or temporary license to any
6 applicant.
7 (b) Refuse to renew the license or temporary license of any
8 person.
9 (c) Suspend or revoke the license or temporary license of any
10 person.
11 (d) Place any person who has been issued a license or temporary
12 license on probation.
13 (e) Impose an administrative fine which does not exceed \$5,000
14 on any person who has been issued a license.
15 ~~[(f) Require any person who has been issued a license to pay all~~
16 ~~costs incurred by the Board relating to the discipline of the person.]~~
17 2. The Board may take action pursuant to subsection 1 if an
18 applicant or person who has been licensed pursuant to this chapter:
19 (a) Is habitually drunk or is addicted to the use of a controlled
20 substance.
21 (b) Has been convicted of violating any state or federal law
22 relating to controlled substances.
23 (c) Is, in the judgment of the Board, guilty of immoral or
24 unprofessional conduct.
25 (d) Has been convicted of any crime involving moral turpitude.
26 (e) Has been convicted of violating any of the provisions of
27 NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440,
28 inclusive.
29 (f) Is guilty, in the judgment of the Board, of gross negligence in
30 his practice as a physical therapist which may be evidenced by
31 claims of malpractice settled against a practitioner.
32 (g) Has obtained or attempted to obtain a license by fraud or
33 material misrepresentation.
34 (h) Has been declared insane by a court of competent
35 jurisdiction and has not thereafter been lawfully declared sane.
36 (i) Has entered into any contract or arrangement which provides
37 for the payment of an unearned fee to any person following his
38 referral of a patient.
39 (j) Has employed as a physical therapist any unlicensed physical
40 therapist or physical therapist whose license has been suspended.
41 (k) Has had his license to practice physical therapy suspended,
42 revoked or in any way limited by another jurisdiction.
43 (l) Is determined to be professionally incompetent by the Board.
44 (m) Has violated any provision of this chapter or the Board's
45 regulations.



1 **Sec. 57.** NRS 640A.200 is hereby amended to read as follows:
2 640A.200 1. The Board may, after notice and hearing,
3 suspend, revoke or refuse to issue or renew a license to practice as
4 an occupational therapist or occupational therapy assistant, or may
5 impose conditions upon the use of that license, if the Board
6 determines that the holder of or applicant for the license is guilty of
7 unprofessional conduct which has endangered or is likely to
8 endanger the public health, safety or welfare. The Board may
9 reinstate a revoked license upon application by the person to whom
10 the license was issued not less than 1 year after the license is
11 revoked.

12 2. If the Board receives a report pursuant to subsection 5 of
13 NRS 228.420, a hearing must be held to consider the report within
14 30 days after receiving the report.

15 3. *An order that imposes discipline and the findings of fact*
16 *and conclusions of law supporting that order are public records.*

17 4. As used in this section, "unprofessional conduct" includes:

18 (a) The obtaining of a license by fraud or through the
19 misrepresentation or concealment of a material fact;

20 (b) The conviction of any crime, except a misdemeanor which
21 does not involve moral turpitude; and

22 (c) The violation of any provision of this chapter or regulation
23 of the Board adopted pursuant to this chapter.

24 **Sec. 58.** NRS 640A.220 is hereby amended to read as follows:
25 640A.220 ~~[Any]~~

26 1. *Except as otherwise provided in this section, any* records or
27 information obtained during the course of an investigation by the
28 Board are confidential . ~~[until the investigation is completed. Upon~~
29 ~~completion of the investigation, the records and information are~~
30 ~~public records if:~~

31 ~~—1. Disciplinary action is imposed by the Board as a result of the~~
32 ~~investigation; or~~

33 ~~—2. The person under investigation submits a written request to~~
34 ~~the Board asking that the information and records be made]~~

35 2. *The complaint or other document filed by the Board to*
36 *initiate disciplinary action and all documents and information*
37 *considered by the Board when determining whether to impose*
38 *discipline are* public records.

39 **Sec. 59.** NRS 641.090 is hereby amended to read as follows:

40 641.090 1. The Secretary-Treasurer shall make and keep on
41 behalf of the Board:

42 (a) A record of all its meetings and proceedings.

43 (b) A record of all violations and prosecutions under the
44 provisions of this chapter.

45 (c) A record of all examinations of applicants.



- 1 (d) A register of all licenses.
- 2 (e) A register of all holders of licenses.
- 3 (f) An inventory of the property of the Board and of the State in
- 4 the Board's possession.

5 2. These records must be kept in the office of the Board and ,
 6 *except as otherwise provided in NRS 641.255*, are subject to public
 7 inspection during normal working hours upon reasonable notice.

8 3. The Board may keep the personnel records of applicants
 9 confidential.

10 **Sec. 60.** NRS 641.240 is hereby amended to read as follows:

11 641.240 **1.** If the Board, a panel of its members or a hearing
 12 officer appointed by the Board finds the person guilty as charged in
 13 the complaint, it may:

- 14 ~~1-] (a) Administer a public for private reprimand.~~
- 15 ~~2-] reprimand.~~
- 16 **2-] (b)** Limit his practice.
- 17 ~~3-] (c)~~ Suspend his license for a period of not more than 1 year.
- 18 ~~4-] (d)~~ Revoke his license.
- 19 ~~5-] (e)~~ Impose a fine of not more than \$5,000.
- 20 ~~6-] (f)~~ Revoke or suspend his license and impose a monetary
 21 penalty.
- 22 ~~7-] (g)~~ Suspend the enforcement of any penalty by placing him
 23 on probation. The Board may revoke the probation if the person
 24 does not follow any conditions imposed.
- 25 ~~8-] (h)~~ Require the person to submit to the supervision of or
 26 counseling or treatment by a person designated by the Board. The
 27 person named in the complaint is responsible for any expense
 28 incurred.
- 29 ~~9-] (i)~~ Impose and modify any conditions of probation for the
 30 protection of the public or the rehabilitation of the probationer.
- 31 ~~10-] (j)~~ Require the person to pay for the costs of remediation
 32 or restitution.
- 33 ~~11.—Assess the costs of the disciplinary proceedings, including~~
- 34 ~~any investigations.]~~

35 **2. The Board shall not administer a private reprimand.**

36 **3. An order that imposes discipline and the findings of fact**
 37 **and conclusions of law supporting that order are public records.**

38 **Sec. 61.** NRS 641.255 is hereby amended to read as follows:

39 641.255 ~~A]]~~
 40 **1. Except as otherwise provided in subsection 2, all**
 41 **complaints filed with the Board , all information relating to a**
 42 **complaint and all information relating to an investigation**
 43 **conducted to determine whether to initiate disciplinary action** are
 44 confidential, except to the extent necessary for the conduct of an
 45 investigation . ~~[-until the Board determines whether to proceed with~~



1 ~~any action authorized under this chapter. If the Board proceeds with~~
2 ~~any action, confidentiality is no longer required.]~~

3 *2. The complaint or other document filed by the Board to*
4 *initiate disciplinary action and all documents and information*
5 *considered by the Board when determining whether to impose*
6 *discipline are public records.*

7 **Sec. 62.** NRS 641A.191 is hereby amended to read as follows:
8 641A.191 1. ~~[Any] Except as otherwise provided in this~~
9 ~~section, any~~ records or information obtained during the course of an
10 investigation by the Board and any record of the investigation are
11 confidential . ~~[until the investigation is completed. Except as~~
12 ~~otherwise provided in NRS 641A.315, upon completion of the~~
13 ~~investigation the information and records are public records, only if:~~
14 ~~—(a) Disciplinary action is imposed by the Board as a result of the~~
15 ~~investigation; or~~
16 ~~—(b) The person regarding whom the investigation was made~~
17 ~~submits a written request to the Board asking that the information~~
18 ~~and records be made public records.]~~

19 *2. The complaint or other document filed by the Board to*
20 *initiate disciplinary action and all documents and information*
21 *considered by the Board when determining whether to impose*
22 *discipline are public records.*

23 *3.* This section does not prohibit the Board from
24 communicating or cooperating with any other licensing board or
25 agency or any agency which is investigating a licensee, including a
26 law enforcement agency.

27 **Sec. 63.** NRS 641A.320 is hereby amended to read as follows:
28 641A.320 *1.* The Board may discipline the holder of any
29 license whose default has been entered or who has been heard by the
30 Board and found guilty, by any of the following methods:

31 ~~[1.] (a)~~ Placing him upon probation for a period to be
32 determined by the Board.

33 ~~[2.] (b)~~ Suspending his license for not more than 1 year.

34 ~~[3.] (c)~~ Revoking his license.

35 ~~[4.] (d)~~ Administering a ~~[private or]~~ public reprimand.

36 ~~[5.] (e)~~ Limiting his practice.

37 ~~[6.] (f)~~ Imposing an administrative fine of not more than
38 \$5,000.

39 ~~[7.] (g)~~ Requiring him to complete successfully another
40 examination.

41 ~~[8.—Requiring him to pay the costs incurred by the Board to~~
42 ~~conduct the hearing.]~~

43 *2. The Board shall not administer a private reprimand.*

44 *3. An order that imposes discipline and the findings of fact*
45 *and conclusions of law supporting that order are public records.*



1 **Sec. 64.** NRS 641B.430 is hereby amended to read as follows:
2 641B.430 1. The defendant licensee must be accorded the
3 right to appear at the hearing of a complaint conducted by the Board
4 in person and through the representation of legal counsel. He must
5 be given adequate opportunity to confront the witnesses against him,
6 testify and introduce the testimony of witnesses in his behalf and
7 submit arguments and briefs in person or through his counsel. The
8 Board shall make and announce its decision as soon as practicable.

9 2. The failure of the person charged to attend his hearing or
10 defend himself must not delay and does not void the proceedings.
11 The Board may, for good cause shown, continue any hearing from
12 time to time.

13 3. If the Board finds the person guilty as charged in the
14 complaint, it may by order:

15 (a) Place the person on probation for a specified period or until
16 further order of the Board.

17 (b) Administer to the person a public ~~for private~~ reprimand.

18 (c) Limit the practice of the person to, or by exclusion of, one or
19 more specified branches of social work.

20 (d) Suspend the license of the person to practice social work for
21 a specified period or until further order of the Board.

22 (e) Revoke the license of the person to practice social work.

23 (f) Impose a fine of not more than \$5,000, which must be
24 deposited with the State Treasurer for credit to the State General
25 Fund.

26 ~~[(g) Require the person to pay all costs incurred by the Board
27 relating to the discipline of the person.]~~

28 The order of the Board may contain other terms, provisions or
29 conditions as the Board deems proper and which are not inconsistent
30 with law.

31 **4. The Board shall not administer a private reprimand.**

32 **5. An order that imposes discipline and the findings of fact
33 and conclusions of law supporting that order are public records.**

34 **Sec. 65.** NRS 641C.720 is hereby amended to read as follows:

35 641C.720 1. The Board or any of its members who become
36 aware of any ground for initiating disciplinary action against a
37 person engaging in the practice of counseling alcohol and drug
38 abusers in this state shall, and any other person who is so aware
39 may, file a written complaint specifying the relevant facts with the
40 Board. The complaint must specifically charge one or more of the
41 grounds for initiating disciplinary action.

42 2. As soon as practicable after the filing of the complaint, the
43 Board shall set a date for a hearing thereon. The date must not be
44 earlier than 30 days after the complaint is filed, except that the date
45 may be changed upon agreement of the parties. The Board shall



1 immediately notify the licensed or certified counselor or certified
2 intern of the complaint and the date and place set for the hearing. A
3 copy of the complaint must be attached to the notice.

4 3. The failure of the licensed or certified counselor or certified
5 intern to appear at the hearing does not delay or void the proceeding.

6 4. The Board may, for good cause, continue a hearing from
7 time to time.

8 5. If, after notice and a hearing, the Board determines that the
9 licensed or certified counselor or certified intern has violated a
10 provision of this chapter or any regulation adopted pursuant to this
11 chapter, it may:

12 (a) Administer a public ~~for private~~ reprimand;

13 (b) Suspend his license or certificate and impose conditions for
14 the removal of the suspension;

15 (c) Revoke his license or certificate and prescribe the
16 requirements for the reinstatement of the license or certificate;

17 (d) If he is a licensed or certified counselor, require him to be
18 supervised by another person while he engages in the practice of
19 counseling alcohol and drug abusers;

20 (e) Require him to participate in treatment or counseling and pay
21 the expenses of that treatment or counseling;

22 (f) Require him to pay restitution to any person adversely
23 affected by his acts or omissions;

24 (g) Impose a fine of not more than \$5,000; *or*

25 (h) ~~Require him to pay the costs of the Board for the
26 investigation and hearing; or~~

27 ~~(i)]~~ Take any combination of the actions authorized by
28 paragraphs (a) to ~~(h)]~~ (g), inclusive.

29 6. If his license or certificate is revoked or suspended pursuant
30 to subsection 5, the licensed or certified counselor or certified intern
31 may apply to the Board for a rehearing within 10 days after the
32 license or certificate is revoked or suspended. The licensed or
33 certified counselor or certified intern may apply to the Board for
34 reinstatement of his revoked license or certificate not earlier than 1
35 year after the license or certificate is revoked. The Board may
36 accept or reject the application and may require the successful
37 completion of an examination as a condition of reinstatement of the
38 license or certificate.

39 *7. The Board shall not administer a private reprimand.*

40 *8. An order that imposes discipline and the findings of fact
41 and conclusions of law supporting that order are public records.*

42 **Sec. 66.** NRS 641C.760 is hereby amended to read as follows:

43 641C.760 1. ~~Any~~ *Except as otherwise provided in this
44 section, any* records or information obtained during the course of an
45 investigation by the Board and any record of the investigation are



1 confidential . ~~[until the investigation is completed. Upon completion~~
2 ~~of the investigation, the information and records are public records~~
3 ~~if:~~

4 ~~—(a) Disciplinary action is imposed by the Board as a result of the~~
5 ~~investigation; or~~

6 ~~—(b) The person regarding whom the investigation was made~~
7 ~~submits a written request to the Board asking that the information~~
8 ~~and records be made public records.]~~

9 2. *The complaint or other document filed by the Board to*
10 *initiate disciplinary action and all documents and information*
11 *considered by the Board when determining whether to impose*
12 *discipline are public records.*

13 3. If the Board receives a request or subpoena for records or
14 information obtained during an investigation by the Board and the
15 records or information is not made public pursuant to subsection ~~[1.]~~
16 2, the Board shall notify the person regarding whom the
17 investigation was made of the request or subpoena. If that person
18 does not consent in writing to the release of the records or
19 information, the Board may release the records or information only
20 upon the order of a court of competent jurisdiction.

21 **Sec. 67.** Chapter 642 of NRS is hereby amended by adding
22 thereto a new section to read as follows:

23 1. *Except as otherwise provided in this section, a complaint*
24 *filed with the Board, all documents and other information filed*
25 *with the complaint and all documents and other information*
26 *compiled as a result of an investigation conducted to determine*
27 *whether to initiate disciplinary action are confidential.*

28 2. *The complaint or other document filed by the Board to*
29 *initiate disciplinary action and all documents and information*
30 *considered by the Board when determining whether to impose*
31 *discipline are public records.*

32 **Sec. 68.** NRS 642.135 is hereby amended to read as follows:

33 642.135 1. If the Board determines that a person who is
34 licensed to practice the profession of embalming pursuant to this
35 chapter has committed any of the acts set forth in NRS 642.130, the
36 Board may:

37 ~~[1.]~~ (a) Refuse to renew his license;

38 ~~[2.]~~ (b) Revoke his license;

39 ~~[3.]~~ (c) Suspend his license for a definite period or until further
40 order of the Board;

41 ~~[4.]~~ (d) Impose a fine of not more than \$5,000 for each act
42 which constitutes a ground for disciplinary action;

43 ~~[5.]~~ (e) Place him on probation for a definite period subject to
44 any reasonable conditions imposed by the Board;

45 ~~[6.]~~ (f) Administer a public ~~for private reprimand;~~



1 ~~—7. Require him to pay the costs incurred by the Board in taking~~
2 ~~disciplinary action against him; or~~

3 ~~—8.] reprimand; or~~

4 (g) Impose any combination of disciplinary actions set forth in
5 this section.

6 **2. The Board shall not administer a private reprimand.**

7 **3. An order that imposes discipline and the findings of fact**
8 **and conclusions of law supporting that order are public records.**

9 **Sec. 69.** NRS 642.473 is hereby amended to read as follows:

10 642.473 1. If the Board determines that a person who holds a
11 funeral director's license, a permit to operate a funeral establishment
12 or a license to conduct direct cremations or immediate burials has
13 committed any of the acts set forth in NRS 642.470, the Board may:

14 (a) Refuse to renew his license or permit;

15 (b) Revoke his license or permit;

16 (c) Suspend his license or permit for a definite period or until
17 further order of the Board;

18 (d) Impose a fine of not more than \$5,000 for each act that
19 constitutes a ground for disciplinary action;

20 (e) Place him on probation for a definite period subject to any
21 reasonable conditions imposed by the Board;

22 (f) Administer a public ~~[or private]~~ reprimand; **or**

23 (g) ~~[Require him to pay the costs incurred by the Board in taking~~
24 ~~disciplinary action against him; or~~

25 ~~—(h)]~~ Impose any combination of disciplinary actions set forth in
26 paragraphs (a) to ~~[(g);]~~ (f), inclusive.

27 2. Before the Board may refuse to renew, or suspend or revoke
28 a license or permit for any of the acts set forth in NRS 642.470, the
29 Board shall give at least 10 days' notice in writing to the licensee or
30 holder of the permit. The notice must contain a brief statement of
31 the reasons for the proposed action of the Board and designate a
32 time and place for a hearing before any final action is taken.

33 **3. The Board shall not administer a private reprimand.**

34 **4. An order that imposes discipline and the findings of fact**
35 **and conclusions of law supporting that order are public records.**

36 **Sec. 70.** Chapter 643 of NRS is hereby amended by adding
37 thereto a new section to read as follows:

38 **1. Except as otherwise provided in this section, a complaint**
39 **filed with the Board, all documents and other information filed**
40 **with the complaint and all documents and other information**
41 **compiled as a result of an investigation conducted to determine**
42 **whether to initiate disciplinary action are confidential.**

43 **2. The complaint or other document filed by the Board to**
44 **initiate disciplinary action and all documents and information**



1 *considered by the Board when determining whether to impose*
2 *discipline are public records.*

3 **Sec. 71.** NRS 643.185 is hereby amended to read as follows:
4 643.185 1. The following are grounds for disciplinary action
5 by the Board:

6 (a) Violation by any person licensed pursuant to the provisions
7 of this chapter of any provision of this chapter or the regulations
8 adopted by the Board.

9 (b) Conviction of a felony.

10 (c) Malpractice or incompetency.

11 (d) Continued practice by a person knowingly having an
12 infectious or contagious disease.

13 (e) Advertising, practicing or attempting to practice under
14 another's name or trade name.

15 (f) Drunkenness or addiction to a controlled substance.

16 2. If the Board determines that a violation of this section has
17 occurred, it may:

18 (a) Refuse to issue or renew a license;

19 (b) Revoke or suspend a license; *and*

20 (c) Impose a fine of not more than \$1,000. ~~[-and~~

21 ~~-(d) Require the person to pay all costs incurred by the Board~~
22 ~~relating to the discipline of the person.]~~

23 **3. An order that imposes discipline and the findings of fact**
24 **and conclusions of law supporting that order are public records.**

25 **Sec. 72.** Chapter 644 of NRS is hereby amended by adding
26 thereto a new section to read as follows:

27 **1. Except as otherwise provided in this section, a complaint**
28 **filed with the Board, all documents and other information filed**
29 **with the complaint and all documents and other information**
30 **compiled as a result of an investigation conducted to determine**
31 **whether to initiate disciplinary action are confidential.**

32 **2. The complaint or other document filed by the Board to**
33 **initiate disciplinary action and all documents and information**
34 **considered by the Board when determining whether to impose**
35 **discipline are public records.**

36 **Sec. 73.** NRS 644.080 is hereby amended to read as follows:

37 644.080 The Board:

38 1. Shall prescribe the duties of its officers, examiners and
39 employees, and fix the compensation of those employees.

40 2. May establish offices in as many localities in the State as it
41 finds necessary to carry out the provisions of this chapter. All
42 records and files of the Board must be kept at the main office of the
43 Board and *, except as otherwise provided in section 72 of this act,*
44 be open to public inspection at all reasonable hours.

45 3. May adopt a seal.



1 4. May issue subpoenas to compel the attendance of witnesses
2 and the production of books and papers.

3 **Sec. 74.** NRS 644.430 is hereby amended to read as follows:

4 644.430 1. The following are grounds for disciplinary action
5 by the Board:

6 (a) Failure of an owner of a cosmetological establishment, a
7 licensed aesthetician, cosmetologist, hair designer, electrologist,
8 instructor, manicurist, demonstrator of cosmetics or school of
9 cosmetology, or a cosmetologist's apprentice to comply with the
10 requirements of this chapter or the applicable regulations adopted by
11 the Board.

12 (b) Obtaining practice in cosmetology or any branch thereof, for
13 money or any thing of value, by fraudulent misrepresentation.

14 (c) Gross malpractice.

15 (d) Continued practice by a person knowingly having an
16 infectious or contagious disease.

17 (e) Drunkenness or the use or possession, or both, of a
18 controlled substance or dangerous drug without a prescription, while
19 engaged in the practice of cosmetology.

20 (f) Advertisement by means of knowingly false or deceptive
21 statements.

22 (g) Permitting a license to be used where the holder thereof is
23 not personally, actively and continuously engaged in business.

24 (h) Failure to display the license as provided in NRS 644.290,
25 644.360 and 644.410.

26 (i) Entering, by a school of cosmetology, into an unconscionable
27 contract with a student of cosmetology.

28 (j) Continued practice of cosmetology or operation of a
29 cosmetological establishment or school of cosmetology after the
30 license therefor has expired.

31 (k) Any other unfair or unjust practice, method or dealing
32 which, in the judgment of the Board, may justify such action.

33 2. If the Board determines that a violation of this section has
34 occurred, it may:

35 (a) Refuse to issue or renew a license;

36 (b) Revoke or suspend a license;

37 (c) Place the licensee on probation for a specified period; or

38 (d) Impose a fine not to exceed \$1,000.

39 **3. *An order that imposes discipline and the findings of fact
40 and conclusions of law supporting that order are public records.***

41 **Sec. 75.** Chapter 645 of NRS is hereby amended by adding
42 thereto a new section to read as follows:

43 **1. *Except as otherwise provided in this section, a complaint
44 filed with the Commission alleging a violation of this chapter, all
45 documents and other information filed with the complaint and all***



1 *documents and other information compiled as a result of an*
2 *investigation conducted to determine whether to initiate*
3 *disciplinary action are confidential.*

4 2. *The complaint or other document filed by the Commission*
5 *to initiate disciplinary action and all documents and information*
6 *considered by the Commission when determining whether to*
7 *impose discipline are public records.*

8 **Sec. 76.** NRS 645.180 is hereby amended to read as follows:

9 645.180 1. The Division shall adopt a seal by which it shall
10 authenticate its proceedings.

11 2. ~~Records~~ *Except as otherwise provided in section 75 of*
12 *this act, records* kept in the office of the Division under authority of
13 this chapter are open to public inspection under regulations adopted
14 by the ~~Real Estate~~ Division, except that the Division may refuse to
15 make public, unless ordered to do so by a court:

16 (a) Real estate brokers' and real estate salesmen's examinations;
17 *and*

18 (b) ~~Files compiled by the Division while investigating possible~~
19 ~~violations of this chapter or chapter 119 of NRS; and~~

20 ~~—(c)~~ The criminal and financial records of licensees, applicants
21 for licenses and owner-developers.

22 3. Copies of all records and papers in the office of the Division,
23 certified and authenticated by the seal of the Division, must be
24 received in evidence in all courts equally and with like effect as the
25 originals.

26 **Sec. 77.** NRS 645.630 is hereby amended to read as follows:

27 645.630 1. The Commission may require a licensee, property
28 manager or owner-developer to pay an administrative fine of not
29 more than \$5,000 for each violation he commits or suspend, revoke,
30 deny the renewal of or place conditions upon his license, permit or
31 registration, or impose any combination of those actions, at any time
32 if the licensee, property-manager or owner-developer has, by false
33 or fraudulent representation, obtained a license, permit or
34 registration, or the licensee, property manager or owner-developer,
35 whether or not acting as such, is found guilty of:

36 ~~1-~~ (a) Making any material misrepresentation.

37 ~~2-~~ (b) Making any false promises of a character likely to
38 influence, persuade or induce.

39 ~~3-~~ (c) Accepting a commission or valuable consideration as a
40 real estate broker-salesman or salesman for the performance of any
41 of the acts specified in this chapter or chapter 119 or 119A of NRS
42 from any person except the licensed real estate broker with whom he
43 is associated or the owner-developer by whom he is employed.

44 ~~4-~~ (d) Representing or attempting to represent a real estate
45 broker other than the broker with whom he is associated, without the



1 express knowledge and consent of the broker with whom he is
2 associated.

3 ~~{5.}~~ (e) Failing to maintain, for review and audit by the
4 Division, each brokerage agreement governed by the provisions of
5 this chapter and entered into by the licensee.

6 ~~{6.}~~ (f) Failing, within a reasonable time, to account for or to
7 remit any money which comes into his possession and which
8 belongs to others.

9 ~~{7.}~~ (g) If he is required to maintain a trust account:

10 ~~{a)}~~ (1) Failing to balance the trust account at least monthly;
11 and

12 ~~{b)}~~ (2) Failing to submit to the Division an annual accounting
13 of the trust account as required in NRS 645.310.

14 ~~{8.}~~ (h) Commingling the money or other property of his clients
15 with his own or converting the money of others to his own use.

16 ~~{9.}~~ (i) In the case of a broker-salesman or salesman, failing to
17 place in the custody of his licensed broker or owner-developer, as
18 soon as possible, any deposit or other money or consideration
19 entrusted to him by any person dealing with him as the
20 representative of his licensed broker.

21 ~~{10.}~~ (j) Accepting other than cash as earnest money unless that
22 fact is communicated to the owner before his acceptance of the offer
23 to purchase and that fact is shown in the receipt for the earnest
24 money.

25 ~~{11.}~~ (k) Upon acceptance of an agreement, in the case of a
26 broker, failing to deposit any check or cash received as earnest
27 money before the end of the next banking day unless otherwise
28 provided in the purchase agreement.

29 ~~{12.}~~ (l) Inducing any party to a brokerage agreement, sale or
30 lease to break it in order to substitute a new brokerage agreement,
31 agreement of sale or lease with the same or another party if the
32 inducement to make the substitution is offered to secure personal
33 gain to the licensee or owner-developer.

34 ~~{If discipline is imposed pursuant to this section, the costs of the
35 proceeding, including investigative costs and attorney's fees, may
36 be recovered by the Board.}~~

37 *2. An order that imposes discipline and the findings of fact
38 and conclusions of law supporting that order are public records.*

39 **Sec. 78.** NRS 645.990 is hereby amended to read as follows:
40 645.990 1. A person who:

41 (a) Obtains or attempts to obtain a license pursuant to this
42 chapter by means of intentional misrepresentation, deceit or fraud;
43 or



1 (b) Sells or attempts to sell in this state any interest in real
2 property by means of intentional misrepresentation, deceit or
3 fraud,
4 is guilty of a category D felony and shall be punished as provided in
5 NRS 193.130. In addition to any other penalty, the court shall order
6 the person to pay restitution.

7 2. Any licensee, permittee or owner-developer who commits an
8 act described in NRS 645.630, 645.633 or 645.635 shall be punished
9 by a fine of not more than \$5,000 for each offense.

10 3. A person who violates any other provision of this chapter, if
11 a natural person, is guilty of a gross misdemeanor, and if a limited-
12 liability company, partnership, association or corporation, shall be
13 punished by a fine of not more than \$2,500.

14 4. Any officer or agent of a corporation, or member or agent of
15 a limited-liability company, partnership or association, who
16 personally participates in or is an accessory to any violation of this
17 chapter by the limited-liability company, partnership, association or
18 corporation, is subject to the penalties prescribed in this section for
19 natural persons.

20 5. The provisions of this section do not release a person from
21 civil liability or criminal prosecution pursuant to the general laws of
22 this state.

23 6. The Administrator may prefer a complaint for violation of
24 NRS 645.230 before any court of competent jurisdiction and may
25 take the necessary legal steps through the proper legal officers of
26 this state to enforce the provisions thereof.

27 7. Any court of competent jurisdiction may try any violation of
28 this chapter, and upon conviction, the court may revoke or suspend
29 the license of the person so convicted, in addition to imposing the
30 other penalties provided in this section.

31 ~~8. If discipline is imposed pursuant to this section, the costs of~~
32 ~~the proceeding, including investigative costs and attorney's fees,~~
33 ~~may be recovered by the Administrator.]~~

34 **Sec. 79.** Chapter 645A of NRS is hereby amended by adding
35 thereto a new section to read as follows:

36 *1. Except as otherwise provided in this section, a complaint*
37 *filed with the Commissioner, all documents and other information*
38 *filed with the complaint and all documents and other information*
39 *compiled as a result of the investigation conducted to determine*
40 *whether to initiate disciplinary action are confidential.*

41 *2. The complaint or other document filed by the*
42 *Commissioner to initiate disciplinary action and all documents*
43 *and information considered by the Commissioner when*
44 *determining whether to impose discipline are public records.*



1 **Sec. 80.** NRS 645A.050 is hereby amended to read as follows:
2 645A.050 1. Subject to the administrative control of the
3 Director of the Department of Business and Industry, the
4 Commissioner shall exercise general supervision and control over
5 escrow agents and agencies doing business in the State of Nevada.

6 2. In addition to the other duties imposed upon him by law, the
7 Commissioner shall:

8 (a) Adopt such regulations as may be necessary for making this
9 chapter effective.

10 (b) Conduct or cause to be conducted each year an examination
11 of each escrow agency licensed pursuant to this chapter.

12 (c) Conduct such investigations as may be necessary to
13 determine whether any person has violated any provision of this
14 chapter.

15 (d) Conduct such examinations, investigations and hearings, in
16 addition to those specifically provided for by law, as may be
17 necessary and proper for the efficient administration of the laws of
18 this state relating to escrow.

19 (e) Classify as confidential the financial statements of an escrow
20 agency and those records and information obtained by the Division
21 which:

22 (1) Are obtained from a governmental agency upon the
23 express condition that they remain confidential.

24 (2) ~~Consist~~ *Except as otherwise provided in section 79 of*
25 *this act, consist* of information compiled by the Division in the
26 investigation of possible violations of this chapter.

27 This paragraph does not limit examination by the Legislative
28 Auditor or any other person pursuant to a court order.

29 3. An escrow agency may engage a certified public accountant
30 to perform such an examination in lieu of the Division. In such a
31 case, the examination must be equivalent to the type of examination
32 made by the Division and the expense must be borne by the escrow
33 agency being examined.

34 4. The Commissioner shall determine whether an examination
35 performed by an accountant pursuant to subsection 3 is equivalent to
36 an examination conducted by the Division. The Commissioner may
37 examine any area of the operation of an escrow agency if the
38 Commissioner determines that the examination of that area is not
39 equivalent to an examination conducted by the Division.

40 **Sec. 81.** NRS 645A.090 is hereby amended to read as follows:

41 645A.090 1. The Commissioner may refuse to license any
42 escrow agent or agency or may suspend or revoke any license or
43 impose a fine of not more than \$500 for each violation by entering
44 an order to that effect, with his findings in respect thereto, if upon a
45 hearing, it is determined that the applicant or licensee:



- 1 (a) In the case of an escrow agency, is insolvent;
2 (b) Has violated any provision of this chapter or any regulation
3 adopted pursuant thereto or has aided and abetted another to do so;
4 (c) In the case of an escrow agency, is in such a financial
5 condition that he cannot continue in business with safety to his
6 customers;
7 (d) Has committed fraud in connection with any transaction
8 governed by this chapter;
9 (e) Has intentionally or knowingly made any misrepresentation
10 or false statement to, or concealed any essential or material fact
11 from, any principal or designated agent of a principal in the course
12 of the escrow business;
13 (f) Has intentionally or knowingly made or caused to be made to
14 the Commissioner any false representation of a material fact or has
15 suppressed or withheld from the Commissioner any information
16 which the applicant or licensee possesses;
17 (g) Has failed without reasonable cause to furnish to the parties
18 of an escrow their respective statements of the settlement within a
19 reasonable time after the close of escrow;
20 (h) Has failed without reasonable cause to deliver, within a
21 reasonable time after the close of escrow, to the respective parties of
22 an escrow transaction any money, documents or other properties
23 held in escrow in violation of the provisions of the escrow
24 instructions;
25 (i) Has refused to permit an examination by the Commissioner
26 of his books and affairs or has refused or failed, within a reasonable
27 time, to furnish any information or make any report that may be
28 required by the Commissioner pursuant to the provisions of this
29 chapter;
30 (j) Has been convicted of a felony or any misdemeanor of which
31 an essential element is fraud;
32 (k) In the case of an escrow agency, has failed to maintain
33 complete and accurate records of all transactions within the last 6
34 years;
35 (l) Has commingled the money of others with his own or
36 converted the money of others to his own use;
37 (m) Has failed, before the close of escrow, to obtain written
38 escrow instructions concerning any essential or material fact or
39 intentionally failed to follow the written instructions which have
40 been agreed upon by the parties and accepted by the holder of the
41 escrow;
42 (n) Has failed to disclose in writing that he is acting in the dual
43 capacity of escrow agent or agency and undisclosed principal in any
44 transaction; or
45 (o) In the case of an escrow agency, has:



1 (1) Failed to maintain adequate supervision of an escrow
2 agent; or

3 (2) Instructed an escrow agent to commit an act which would
4 be cause for the revocation of the escrow agent's license and the
5 escrow agent committed the act. An escrow agent is not subject to
6 disciplinary action for committing such an act under instruction by
7 the escrow agency.

8 2. It is sufficient cause for the imposition of a fine or the
9 refusal, suspension or revocation of the license of a partnership,
10 corporation or any other association that any member of the
11 partnership or any officer or director of the corporation or
12 association has been guilty of any act or omission which would be
13 cause for such action had the applicant or licensee been a natural
14 person.

15 3. The Commissioner may suspend any license for not more
16 than 30 days, pending a hearing, if upon examination into the affairs
17 of the licensee it is determined that any of the grounds enumerated
18 in subsection 1 or 2 exist.

19 4. The Commissioner may refuse to issue a license to any
20 person who, within 10 years before the date of applying for a current
21 license, has had suspended or revoked a license issued pursuant to
22 this chapter or a comparable license issued by any other state,
23 district or territory of the United States or any foreign country.

24 ***5. An order that imposes discipline and the findings of fact
25 and conclusions of law supporting that order are public records.***

26 **Sec. 82.** Chapter 645B of NRS is hereby amended by adding
27 thereto a new section to read as follows:

28 ***1. Except as otherwise provided in this section, a complaint
29 filed with the Commissioner, all documents and other information
30 filed with the complaint and all documents and other information
31 compiled as a result of an investigation conducted to determine
32 whether to initiate disciplinary action are confidential.***

33 ***2. The complaint or other document filed by the
34 Commissioner to initiate disciplinary action and all documents
35 and information considered by the Commissioner when
36 determining whether to impose discipline are public records.***

37 ***3. An order that imposes discipline and the findings of fact
38 and conclusions of law supporting that order are public records.***

39 **Sec. 83.** NRS 645B.070 is hereby amended to read as follows:

40 645B.070 1. In the conduct of any examination, periodic or
41 special audit, investigation or hearing, the Commissioner may:

42 (a) Compel the attendance of any person by subpoena.

43 (b) Administer oaths.

44 (c) Examine any person under oath concerning the business and
45 conduct of affairs of any person subject to the provisions of this



1 chapter and in connection therewith require the production of any
2 books, records or papers relevant to the inquiry.

3 2. Any person subpoenaed under the provisions of this section
4 who willfully refuses or willfully neglects to appear at the time and
5 place named in the subpoena or to produce books, records or papers
6 required by the Commissioner, or who refuses to be sworn or
7 answer as a witness, is guilty of a misdemeanor and shall be
8 punished as provided in NRS 645B.950.

9 3. ~~[The]~~ *In addition to the authority to recover attorney's fees
10 and costs pursuant to section 3 of this act, the* Commissioner may
11 assess against and collect from a person all costs, including, without
12 limitation, reasonable attorney's fees, that are attributable to any
13 examination, periodic or special audit, investigation or hearing that
14 is conducted to examine or investigate the conduct, activities or
15 business of the person pursuant to this chapter.

16 **Sec. 84.** NRS 645B.090 is hereby amended to read as follows:

17 645B.090 1. Except as otherwise provided in this section or
18 by specific statute, all papers, documents, reports and other written
19 instruments filed with the Commissioner pursuant to this chapter are
20 open to public inspection.

21 2. Except as otherwise provided in subsection 3, the
22 Commissioner may withhold from public inspection or refuse to
23 disclose to a person, for such time as the Commissioner considers
24 necessary, any information that, in his judgment, would:

25 (a) Impede or otherwise interfere with an investigation that is
26 currently pending against a mortgage broker;

27 (b) Have an undesirable effect on the welfare of the public or the
28 welfare of any mortgage broker or mortgage agent; or

29 (c) Give any mortgage broker a competitive advantage over any
30 other mortgage broker.

31 3. ~~[The]~~ *Except as otherwise provided in section 82 of this
32 act, the* Commissioner shall disclose the following information
33 concerning a mortgage broker to any person who requests it:

34 (a) The findings and results of any investigation which has been
35 completed during the immediately preceding 5 years against the
36 mortgage broker pursuant to the provisions of this chapter and
37 which has resulted in a finding by the Commissioner that the
38 mortgage broker committed a violation of a provision of this
39 chapter, a regulation adopted pursuant to this chapter or an order of
40 the Commissioner; and

41 (b) The nature of any disciplinary action that has been taken
42 during the immediately preceding 5 years against the mortgage
43 broker pursuant to the provisions of this chapter.



1 **Sec. 85.** NRS 645B.610 is hereby amended to read as follows:

2 645B.610 1. If a person properly files a complaint with the
3 Commissioner pursuant to NRS 645B.600, the Commissioner shall
4 investigate each violation alleged in the complaint, unless the
5 Commissioner has previously investigated the alleged violation.

6 2. Except as otherwise provided in subsection 2 of NRS
7 645B.090, if the Commissioner does not conduct an investigation of
8 an alleged violation pursuant to subsection 1 because he previously
9 has investigated the alleged violation, the Commissioner shall
10 provide to the person who filed the complaint a written summary of
11 the previous investigation and the nature of any disciplinary action
12 that was taken as a result of the previous investigation.

13 3. If the Commissioner conducts an investigation of an alleged
14 violation pursuant to subsection 1, the Commissioner shall
15 determine from the investigation whether there is reasonable cause
16 to believe that the person committed the alleged violation.

17 4. If, upon investigation, the Commissioner determines that
18 there is not reasonable cause to believe that the person committed
19 the alleged violation, the Commissioner shall provide the reason for
20 his determination, in writing, to the person who filed the complaint
21 and to the person alleged to have committed the violation.

22 5. Except as otherwise provided in subsection 6, if, upon
23 investigation, the Commissioner determines that there is reasonable
24 cause to believe that the person committed the alleged violation, the
25 Commissioner shall:

26 (a) Schedule a hearing concerning the alleged violation;

27 (b) Mail to the last known address of the person who filed the
28 complaint written notice that must include, without limitation:

29 (1) The date, time and place of the hearing; and

30 (2) A statement of each alleged violation that will be
31 considered at the hearing; and

32 (c) By personal service in accordance with the Nevada Rules of
33 Civil Procedure and any applicable provision of NRS, serve written
34 notice of the hearing to the person alleged to have committed the
35 violation. The written notice that is served pursuant to this
36 paragraph must include, without limitation:

37 (1) The date, time and place of the hearing;

38 (2) A copy of the complaint and a statement of each alleged
39 violation that will be considered at the hearing; and

40 (3) A statement informing the person that, pursuant to NRS
41 645B.760, if he fails to appear, without reasonable cause, at the
42 hearing:

43 (I) He is guilty of a misdemeanor; and

44 (II) The Commissioner is authorized to conduct the
45 hearing in his absence, draw any conclusions that the Commissioner



1 deems appropriate from his failure to appear and render a decision
2 concerning each alleged violation.

3 6. ~~6. [The Commissioner is not required to schedule or conduct a~~
4 ~~hearing concerning an alleged violation pursuant to subsection 5 if~~
5 ~~the Commissioner and the person alleged to have committed the~~
6 ~~violation enter.] If the Commissioner enters~~ into a written consent
7 agreement settling or resolving the alleged violation , ~~[. If such a~~
8 ~~written consent agreement is executed.]~~ the Commissioner shall
9 provide a copy of the written consent agreement to the person who
10 filed the complaint.

11 7. The Commissioner may:

12 (a) Investigate and conduct a hearing concerning any alleged
13 violation, whether or not a complaint has been filed.

14 (b) Hear and consider more than one alleged violation against a
15 person at the same hearing.

16 **Sec. 86.** Chapter 645C of NRS is hereby amended by adding
17 thereto a new section to read as follows:

18 *1. Except as otherwise provided in this section, a complaint*
19 *filed with the Commission, all documents and other information*
20 *filed with the complaint and all documents and other information*
21 *compiled as a result of an investigation conducted to determine*
22 *whether to initiate disciplinary action are confidential.*

23 *2. The complaint or other document filed by the Commission*
24 *to initiate disciplinary action and all documents and information*
25 *considered by the Commission when determining whether to*
26 *impose discipline are public records.*

27 **Sec. 87.** NRS 645C.220 is hereby amended to read as follows:
28 645C.220 1. The Division shall maintain a record of:

29 (a) Persons whose applications for a certificate, license or
30 registration card have been denied;

31 (b) Investigations conducted by it which result in the initiation
32 of formal disciplinary proceedings;

33 (c) Formal disciplinary proceedings; and

34 (d) Rulings or decisions upon complaints filed with it.

35 2. Except as otherwise provided in this section, *and section 86*
36 *of this act*, records kept in the office of the Division pursuant to this
37 chapter are open to the public for inspection pursuant to regulations
38 adopted by the Commission. The Division may keep confidential,
39 unless otherwise ordered by a court:

40 (a) Examinations for a certificate or license; *and*

41 (b) ~~Information obtained by the Division while investigating~~
42 ~~alleged violations of this chapter; and~~

43 ~~—(c)—~~ The criminal and financial records of an appraiser or intern,
44 or an applicant for a certificate, license or registration card.



1 **Sec. 88.** NRS 645C.460 is hereby amended to read as follows:
2 645C.460 1. Grounds for disciplinary action against a
3 certified or licensed appraiser or registered intern include:

- 4 (a) Unprofessional conduct;
- 5 (b) Professional incompetence;
- 6 (c) A criminal conviction for a felony or any offense involving
7 moral turpitude; and
- 8 (d) The suspension or revocation of a registration card,
9 certificate, license or permit to act as an appraiser in any other
10 jurisdiction.

11 2. If grounds for disciplinary action against an appraiser or
12 intern exist, the Commission may do one or more of the following:

- 13 (a) Revoke or suspend his certificate, license or registration
14 card.
- 15 (b) Place conditions upon his certificate, license or registration
16 card, or upon the reissuance of a certificate, license or registration
17 card revoked pursuant to this section.
- 18 (c) Deny the renewal of his certificate, license or registration
19 card.
- 20 (d) Impose a fine of not more than \$1,000 for each violation.

21 3. If a certificate, license or registration card is revoked by the
22 Commission, another certificate, license or registration card must
23 not be issued to the same appraiser or intern for at least 1 year after
24 the date of the revocation, or at any time thereafter except in the sole
25 discretion of the Administrator, and then only if the appraiser or
26 intern satisfies all the requirements for an original certificate, license
27 or registration card.

28 4. ~~If discipline is imposed pursuant to this section, the costs of~~
29 ~~the proceeding, including investigative costs and attorney's fees,~~
30 ~~may be recovered by the Commission.] An order that imposes~~
31 ~~discipline and the findings of fact and conclusions of law~~
32 ~~supporting that order are public records.~~

33 **Sec. 89.** Chapter 645D of NRS is hereby amended by adding
34 thereto a new section to read as follows:

35 1. *Except as otherwise provided in this section, a complaint*
36 *filed with the Division, all documents and other information filed*
37 *with the complaint and all documents and other information*
38 *compiled as a result of an investigation conducted to determine*
39 *whether to initiate disciplinary action are confidential.*

40 2. *The complaint or other document filed by the Division to*
41 *initiate disciplinary action and all documents and information*
42 *considered by the Division when determining whether to impose*
43 *discipline are public records.*

44 **Sec. 90.** NRS 645D.130 is hereby amended to read as follows:
45 645D.130 1. The Division shall maintain a record of:



- 1 (a) Persons from whom it receives applications for a certificate;
- 2 (b) Investigations conducted by it that result in the initiation of
- 3 formal disciplinary proceedings;
- 4 (c) Formal disciplinary proceedings; and
- 5 (d) Rulings or decisions upon complaints filed with it.

6 2. Except as otherwise provided in this section, *and section 89*
 7 *of this act*, records kept in the office of the Division pursuant to this
 8 chapter are open to the public for inspection pursuant to regulations
 9 adopted by the Division. The Division shall keep confidential,
 10 unless otherwise ordered by a court ~~the~~

11 ~~—(a) Information obtained by the Division while investigating~~
 12 ~~alleged violations of this chapter; and~~

13 ~~—(b) The], the~~ criminal and financial records of an inspector or of
 14 an applicant for a certificate.

15 **Sec. 91.** NRS 645D.700 is hereby amended to read as follows:
 16 645D.700 1. Grounds for disciplinary action against a
 17 certified inspector are:

- 18 (a) Unprofessional conduct;
- 19 (b) Professional incompetence; and
- 20 (c) A criminal conviction for a felony or any offense involving
- 21 moral turpitude.

22 2. If grounds for disciplinary action against a certified
 23 inspector exist, the Division may, after providing the inspector with
 24 notice and an opportunity for a hearing, do one or more of the
 25 following:

- 26 (a) Revoke or suspend his certificate.
- 27 (b) Place conditions upon his certificate or upon the reissuance
- 28 of a certificate revoked pursuant to this section.
- 29 (c) Deny the renewal of his certificate
- 30 (d) Impose a fine of not more than \$1,000 for each violation.

31 3. If a certificate is revoked by the Division, another certificate
 32 must not be issued to the same inspector for at least 1 year after the
 33 date of the revocation, or at any time thereafter except in the sole
 34 discretion of the Administrator, and then only if the inspector
 35 satisfies the requirements for an original certificate.

36 **4. An order that imposes discipline and the findings of fact**
 37 **and conclusions of law supporting that order are public records.**

38 **Sec. 92.** Chapter 645E of NRS is hereby amended by adding
 39 thereto a new section to read as follows:

40 **1. Except as otherwise provided in this section, a complaint**
 41 **filed with the Commissioner, all documents and other information**
 42 **filed with the complaint and all documents and other information**
 43 **compiled as a result of an investigation conducted to determine**
 44 **whether to initiate disciplinary action are confidential.**



1 *2. The complaint or other document filed by the*
2 *Commissioner to initiate disciplinary action and all documents*
3 *and information considered by the Commissioner when*
4 *determining whether to impose discipline are public records.*

5 **Sec. 93.** NRS 645E.310 is hereby amended to read as follows:
6 645E.310 1. In the conduct of any examination, periodic or
7 special audit, investigation or hearing, the Commissioner may:
8 (a) Compel the attendance of any person by subpoena.
9 (b) Administer oaths.
10 (c) Examine any person under oath concerning the business and
11 conduct of affairs of any person subject to the provisions of this
12 chapter and, in connection therewith, require the production of any
13 books, records or papers relevant to the inquiry.

14 2. Any person subpoenaed under the provisions of this section
15 who willfully refuses or willfully neglects to appear at the time and
16 place named in the subpoena or to produce books, records or papers
17 required by the Commissioner, or who refuses to be sworn or
18 answer as a witness, is guilty of a misdemeanor.

19 3. ~~The~~ *In addition to the authority to recover attorney's fees*
20 *and costs pursuant to section 3 of this act, the* Commissioner may
21 assess against and collect from a person all costs, including, without
22 limitation, reasonable attorney's fees, that are attributable to any
23 examination, periodic or special audit, investigation or hearing that
24 is conducted to examine or investigate the conduct, activities or
25 business of the person pursuant to this chapter.

26 **Sec. 94.** NRS 645E.670 is hereby amended to read as follows:
27 645E.670 1. For each violation committed by an applicant,
28 whether or not he is issued a license, the Commissioner may impose
29 upon the applicant an administrative fine of not more than \$10,000,
30 if the applicant:

31 (a) Has knowingly made or caused to be made to the
32 Commissioner any false representation of material fact;

33 (b) Has suppressed or withheld from the Commissioner any
34 information which the applicant possesses and which, if submitted
35 by him, would have rendered the applicant ineligible to be licensed
36 pursuant to the provisions of this chapter; or

37 (c) Has violated any provision of this chapter, a regulation
38 adopted pursuant to this chapter or an order of the Commissioner in
39 completing and filing his application for a license or during the
40 course of the investigation of his application for a license.

41 2. For each violation committed by a licensee, the
42 Commissioner may impose upon the licensee an administrative fine
43 of not more than \$10,000, may suspend, revoke or place conditions
44 upon his license, or may do both, if the licensee, whether or not
45 acting as such:



- 1 (a) Is insolvent;
- 2 (b) Is grossly negligent or incompetent in performing any act for
3 which he is required to be licensed pursuant to the provisions of this
4 chapter;
- 5 (c) Does not conduct his business in accordance with law or has
6 violated any provision of this chapter, a regulation adopted pursuant
7 to this chapter or an order of the Commissioner;
- 8 (d) Is in such financial condition that he cannot continue in
9 business with safety to his customers;
- 10 (e) Has made a material misrepresentation in connection with
11 any transaction governed by this chapter;
- 12 (f) Has suppressed or withheld from a client any material facts,
13 data or other information relating to any transaction governed by the
14 provisions of this chapter which the licensee knew or, by the
15 exercise of reasonable diligence, should have known;
- 16 (g) Has knowingly made or caused to be made to the
17 Commissioner any false representation of material fact or has
18 suppressed or withheld from the Commissioner any information
19 which the licensee possesses and which, if submitted by him, would
20 have rendered the licensee ineligible to be licensed pursuant to the
21 provisions of this chapter;
- 22 (h) Has failed to account to persons interested for all money
23 received for a trust account;
- 24 (i) Has refused to permit an examination by the Commissioner
25 of his books and affairs or has refused or failed, within a reasonable
26 time, to furnish any information or make any report that may be
27 required by the Commissioner pursuant to the provisions of this
28 chapter or a regulation adopted pursuant to this chapter;
- 29 (j) Has been convicted of, or entered a plea of nolo contendere
30 to, a felony or any crime involving fraud, misrepresentation or
31 moral turpitude;
- 32 (k) Has refused or failed to pay, within a reasonable time, any
33 fees, assessments, costs or expenses that the licensee is required to
34 pay pursuant to this chapter or a regulation adopted pursuant to this
35 chapter;
- 36 (l) Has failed to satisfy a claim made by a client which has been
37 reduced to judgment;
- 38 (m) Has failed to account for or to remit any money of a client
39 within a reasonable time after a request for an accounting or
40 remittal;
- 41 (n) Has commingled the money or other property of a client
42 with his own or has converted the money or property of others to his
43 own use; or
- 44 (o) Has engaged in any other conduct constituting a deceitful,
45 fraudulent or dishonest business practice.



1 **3. An order that imposes discipline and the findings of fact**
2 **and conclusions of law supporting that order are public records.**

3 **Sec. 95.** NRS 648.034 is hereby amended to read as follows:

4 648.034 1. ~~[Any] Except as otherwise provided in this~~
5 ~~section, any~~ records or information obtained during the course of an
6 investigation of a licensee by the Board and any record of the
7 investigation are confidential . ~~[until the investigation is completed.~~
8 ~~Upon completion of the investigation the information and records~~
9 ~~are public records, only if:~~

10 ~~—(a) Disciplinary action is imposed by the Board as a result of the~~
11 ~~investigation; or~~

12 ~~—(b) The person regarding whom the investigation was made~~
13 ~~submits a written request to the Board asking that the information~~
14 ~~and records be made public records.]~~

15 2. **The complaint or other document filed by the Board to**
16 **initiate disciplinary action and all documents and information**
17 **considered by the Board when determining whether to impose**
18 **discipline are public records.**

19 3. This section does not prevent or prohibit the Board from
20 communicating or cooperating with another licensing board or any
21 agency that is investigating a licensee, including a law enforcement
22 agency.

23 **Sec. 96.** NRS 648.175 is hereby amended to read as follows:

24 648.175 1. If, after a hearing, the Board finds that cause
25 exists, the Board may:

26 ~~[1.]~~ (a) Revoke the license of the licensee.

27 ~~[2.]~~ (b) Suspend the license of the licensee for not more than 1
28 year for each violation.

29 ~~[3.]~~ (c) Fine the licensee not more than \$5,000 for each
30 violation.

31 ~~[4.]~~ (d) Suspend an order authorized by this section upon such
32 terms and conditions as the Board considers appropriate.

33 ~~[5.]~~ (e) Place the licensee on probation for not more than 2
34 years upon such terms and conditions as the Board considers
35 appropriate.

36 ~~[6.—Publicly or privately]~~

37 (f) **Publicly** reprimand the licensee.

38 ~~[7.]~~ (g) Affirm, modify or vacate the penalty imposed by a
39 notice of violation.

40 ~~[8.—Require the licensee to pay all costs incurred by the Board~~
41 ~~relating to the discipline of the licensee.]~~

42 2. **An order that imposes discipline and the findings of fact**
43 **and conclusions of law supporting that order are public records.**



1 **Sec. 97.** Chapter 649 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *Except as otherwise provided in this section, a complaint*
4 *filed with the Commissioner, all documents and other information*
5 *filed with the complaint and all documents and other information*
6 *compiled as a result of an investigation conducted to determine*
7 *whether to initiate disciplinary action are confidential.*

8 2. *The complaint or other document filed by the*
9 *Commissioner to initiate disciplinary action and all documents*
10 *and information considered by the Commissioner when*
11 *determining whether to impose discipline are public records.*

12 **Sec. 98.** NRS 649.395 is hereby amended to read as follows:

13 649.395 1. The Commissioner may impose an administrative
14 fine, not to exceed \$500 for each violation, or suspend or revoke the
15 license of a collection agency, or both impose a fine and suspend or
16 revoke the license, by an order made in writing and filed in his
17 office and served on the licensee by registered or certified mail at
18 the address shown in the records of the Commissioner, if:

19 (a) The licensee is adjudged liable in any court of law for breach
20 of any bond given under the provisions of this chapter; or

21 (b) After notice and hearing, the licensee is found guilty of:

22 (1) Fraud or misrepresentation;

23 (2) An act or omission inconsistent with the faithful
24 discharge of his duties and obligations; or

25 (3) A violation of any provision of this chapter.

26 2. The Commissioner may suspend or revoke the license of a
27 collection agency without notice and hearing if:

28 (a) The suspension or revocation is necessary for the immediate
29 protection of the public; and

30 (b) The licensee is afforded a hearing to contest the suspension
31 or revocation within 20 days after the written order of suspension or
32 revocation is served upon the licensee.

33 3. Upon revocation of his license, all rights of the licensee
34 under this chapter terminate, and no application may be received
35 from any person whose license has once been revoked.

36 4. *An order that imposes discipline and the findings of fact*
37 *and conclusions of law supporting that order are public records.*

38 **Sec. 99.** Chapter 652 of NRS is hereby amended by adding
39 thereto a new section to read as follows:

40 1. *Except as otherwise provided in this section, a complaint*
41 *filed with the Board, all documents and other information filed*
42 *with the complaint and all documents and other information*
43 *compiled as a result of an investigation conducted to determine*
44 *whether to initiate disciplinary action are confidential.*



1 2. *The complaint or other document filed by the Board to*
2 *initiate disciplinary action and all documents and information*
3 *considered by the Board when determining whether to impose*
4 *discipline are public records.*

5 3. *An order that imposes discipline and the findings of fact*
6 *and conclusions of law supporting that order are public records.*

7 **Sec. 100.** Chapter 654 of NRS is hereby amended by adding
8 thereto a new section to read as follows:

9 1. *Except as otherwise provided in this section, a complaint*
10 *filed with the Board, all documents and other information filed*
11 *with the complaint and all documents and other information*
12 *compiled as a result of an investigation conducted to determine*
13 *whether to initiate disciplinary action are confidential.*

14 2. *The complaint or other document filed by the Board to*
15 *initiate disciplinary action and all documents and information*
16 *considered by the Board when determining whether to impose*
17 *discipline are public records.*

18 **Sec. 101.** NRS 654.110 is hereby amended to read as follows:

19 654.110 1. The Board shall:

20 (a) Develop, impose and enforce standards which must be met
21 by persons to receive licenses as nursing facility administrators or
22 administrators of residential facilities for groups. The standards
23 must be designed to ensure that nursing facility administrators or
24 persons acting as administrators of residential facilities for groups
25 will be persons who are of good character and otherwise suitable,
26 and who, by training or experience in their respective fields of
27 administering health care facilities, are qualified to serve as nursing
28 facility administrators or administrators of residential facilities for
29 groups.

30 (b) Develop and apply appropriate techniques, including
31 examinations and investigations, for determining whether a person
32 meets those standards.

33 (c) Issue licenses to persons determined, after the application of
34 appropriate techniques, to meet those standards.

35 (d) Revoke or suspend licenses previously issued by the Board
36 in any case if the person holding the license is determined
37 substantially to have failed to conform to the requirements of the
38 standards.

39 (e) Establish and carry out procedures designed to ensure that
40 persons licensed as nursing facility administrators or administrators
41 of residential facilities for groups will, during any period they serve
42 as such, comply with the requirements of the standards.

43 (f) Receive, investigate and take appropriate action with respect
44 to any charge or complaint filed with the Board to the effect that any
45 person licensed as a nursing facility administrator or an



1 administrator of a residential facility for groups has failed to comply
2 with the requirements of the standards. The Board shall initiate an
3 investigation of any charge or complaint filed with the Board within
4 30 days after receiving the charge or complaint.

5 (g) Conduct a continuing study of:
6 (1) Facilities for skilled nursing, facilities for intermediate
7 care and their administrators; and
8 (2) Residential facilities for groups and their
9 administrators,
10 with a view to the improvement of the standards imposed for the
11 licensing of administrators and of procedures and methods for the
12 enforcement of the standards.

13 (h) Conduct or approve, or both, a program of training and
14 instruction designed to enable all persons to obtain the qualifications
15 necessary to meet the standards set by the Board for qualification as
16 a nursing facility administrator or an administrator of a residential
17 facility for groups.

18 2. All the records kept by the Board, not otherwise privileged
19 ~~or confidential~~, are public records.

20 **Sec. 102.** NRS 654.190 is hereby amended to read as follows:

21 654.190 1. The Board may, after notice and hearing, impose
22 an administrative fine of not more than \$2,500 on and suspend or
23 revoke the license of any nursing facility administrator or
24 administrator of a residential facility for groups who:

25 (a) Is convicted of a felony, or of any offense involving moral
26 turpitude.

27 (b) Has obtained his license by the use of fraud or deceit.

28 (c) Violates any of the provisions of this chapter.

29 (d) Aids or abets any person in the violation of any of the
30 provisions of NRS 449.001 to 449.240, inclusive, as those
31 provisions pertain to a facility for skilled nursing, facility for
32 intermediate care or residential facility for groups.

33 (e) Violates any regulation of the Board prescribing additional
34 standards of conduct for nursing facility administrators or
35 administrators of residential facilities for groups.

36 2. The Board shall give a licensee against whom proceedings
37 are brought pursuant to this section written notice of a hearing not
38 less than 10 days before the date of the hearing.

39 3. ~~If discipline is imposed pursuant to this section, the costs of
40 the proceeding, including investigative costs and attorney's fees,
41 may be recovered by the Board.] An order that imposes discipline
42 and the findings of fact and conclusions of law supporting that
43 order are public records.~~



1 **Sec. 103.** Chapter 656 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *Except as otherwise provided in this section, a complaint*
4 *filed with the Board, all documents and other information filed*
5 *with the complaint and all documents and other information*
6 *compiled as a result of an investigation conducted to determine*
7 *whether to initiate disciplinary action are confidential.*

8 2. *The complaint or other document filed by the Board to*
9 *initiate disciplinary action and all documents and information*
10 *considered by the Board when determining whether to impose*
11 *discipline are public records.*

12 3. *An order that imposes discipline and the findings of fact*
13 *and conclusions of law supporting that order are public records.*

14 **Sec. 104.** NRS 623A.295, 630.142, 633.611, 634.165,
15 638.154, 639.091 and 656.295 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

623A.295 Confidentiality of proceedings.

630.142 Award of costs and attorney's fees.

633.611 Confidentiality of proceedings.

634.165 Confidentiality of proceedings.

638.154 Court may award costs and reasonable attorney's
fees incurred by Board.

639.091 Award of costs and attorney's fees to Board.

656.295 Disciplinary proceedings: Costs; attorney's fees.

